

CHAPTER 244A

MARINE MAMMAL PROTECTION

LIST OF AUTHORISED PAGES

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ARRANGEMENT OF SUBSIDIARY LEGISLATION

SECTION 18

Marine Mammal Protection (General) Regulations.

SECTION 19

Marine Mammal (Captive Dolphin Facilities) Regulations.

CHAPTER 244A
MARINE MAMMAL PROTECTION
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

ARRANGEMENT OF SECTIONS

SECTION

1. Citation and commencement.

PART I - APPLICATIONS FOR A LICENCE OR PERMIT

2. Application to export or import a marine mammal.
3. Application to sell a marine mammal.
4. Application to conduct scientific research on a marine mammal.
5. Application to transport a marine mammal.
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FIRST SCHEDULE

FORMS

SECOND SCHEDULE

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CHAPTER 244A

MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

S.I. 80/2005

(SECTION 18)

[Commencement 1st May 2006]

34 of 2008, sch.

1. These Regulations may be cited as the Marine Mammal Protection (General) Regulations and shall come into force on the first day of May 2006.

Citation and commencement.
34 of 2008, Sch.

PART I - APPLICATIONS FOR A LICENCE OR
PERMIT

2. (1) An application for the grant of a licence under section 3(1)(a) or (b) of the Act shall be made to the Minister as prescribed in Form 1 of the First Schedule.

Application to export or import a marine mammal.

(2) Upon approval of the application, the Minister may, subject to the payment of the prescribed fee, grant a licence as prescribed in Form 2 of the First Schedule.

Forms 1 and 2 of First Schedule.

3. (1) An application for a permit under section 3(1)(c) of the Act shall be made to the Minister as prescribed in Form 3 of the First Schedule.

Application to sell a marine mammal.
Forms 3 and 4 of First Schedule.

(2) Upon approval of the application, the Minister may, subject to the payment of the prescribed fee, grant a permit as prescribed in Form 4 of the First Schedule.

4. (1) An application for the grant of a permit under section 3(1)(e) of the Act shall be made to the Minister as prescribed in Form 5 of the First Schedule.

Application to conduct scientific research on a marine mammal.
Forms 5 and 6 of First Schedule.

(2) Upon approval of the application, the Minister may, subject to the payment of the prescribed fee, grant a permit as prescribed in Form 6 of the First Schedule.

5. (1) An application for a permit under section 3(1)(f) of the Act shall be made to the Minister as prescribed in Form 7 of the First Schedule.

Application to transport a marine mammal.
Forms 7 and 8 First Schedule.

(2) Upon approval of the application, the Minister may, subject to the payment of the prescribed fee, grant a permit as prescribed in Form 8 of the First Schedule.

Application to operate a vessel. Forms 13 and 14 of First Schedule.

6. (1) An application for a licence under section 3(1)(g) of the Act shall be made to the Minister as prescribed in Form 9 of the First Schedule.

(2) Upon approval of the application the Minister may, subject to the payment of the prescribed fee, grant a licence as prescribed in Form 10 of the First Schedule.

PART II - CAPTIVE MARINE MAMMAL FACILITIES

Application to operate and licence a facility. Forms 11-14 of First Schedule.

7. (1) An application for a licence under section 6(1)(a) and (b) of the Act shall be made to the Minister as prescribed in Forms 11 and 12 of the First Schedule.

(2) Upon approval of the application, the Minister may subject to the payment of the prescribed fee, grant a licence as prescribed in Forms 13 and 14 of the First Schedule.

(3) A licence issued under this regulation shall, unless otherwise provided, expire on the 31st day of December of the year following the year of issue.

Records.

8. Every licensee of a captive marine mammal facility shall —

- (a) keep and retain accurate records pertaining to the marine mammals in their care;
- (b) permit a marine mammal inspector to, inspect, make and take such copies of those records as the inspector considers necessary for the purpose of ensuring compliance with any Regulations in force.

Standards and guidelines.

Ch. 245.

9. For the purposes of section 7(4) of the Act the Minister shall appoint in writing designated veterinarians registered under the Veterinary Surgeons Act to ensure that any prescribed standards and guidelines related to marine mammal health and husbandry are adhered to by every captive marine mammal facility.

Fees. Second Schedule.

10. The prescribed fees for a licence or permit issued under the Act are specified in the Second Schedule.

FIRST SCHEDULE

FORM 1 (regulation 2(1))

MARINE MAMMAL PROTECTION ACT

(CHAPTER 244A)

MARINE MAMMAL PROTECTION (GENERAL) REGULATIONS

APPLICATION FOR A LICENCE TO EXPORT/IMPORT A MARINE MAMMAL/MARINE MAMMAL PRODUCT

- 1. Name of Applicant
- 2. Address
- 3. Tel # Fax#
- 4. Type of marine mammal/marine mammal product proposed to exported/imported
.....
- 5. Name and location of facility where the marine mammal/marine mammal product will be exported/imported
- 6. Purpose of export/import of the marine mammal/marine mammal product
- 7. Transportation mode and method by which the marine mammal/marine mammal product will be exported/imported
- 8. Port of entry from/to which the marine mammal is to be exported/imported

Signature of Applicant

Date

FORM 2 (regulation 2(2))

MARINE MAMMAL PROTECTION ACT

(CHAPTER 244A)

**MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS**

LICENCE TO EXPORT/IMPORT A MARINE MAMMAL

No

This Licence is granted to

of

to export/import the marine mammal/marine mammal
product specified

.....

from to

This Licence :

- (a) shall not be transferred or assigned;
- (b) authorizes only the export/import of the marine mammal/marine mammal product specified in it;
- (c) authorizes only the export/import of a marine mammal/marine mammal product from/to
(Port of Entry)

Other conditions :

.....

.....

This Licence expires on

Dated the day of 20.....

MINISTER OF AGRICULTURE & FISHERIES

FORM 3 (regulation 3(1))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*APPLICATION FOR A PERMIT TO SELL A MARINE
MAMMAL/MARINE MAMMAL PRODUCT*

1. Name of Applicant
2. Address
3. Tel # Fax#
4. Type of marine mammal/marine mammal product
proposed to be sold

.....
.....
.....

5. How and where the marine mammal/marine mammal
product is to be sold

.....
.....
.....

6. Purpose for selling the marine mammal/marine
mammal product

.....
.....
.....
.....

Signature of Applicant

Date

FORM 4 (regulation 3(2))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*PERMIT TO SELL A MARINE MAMMAL/MARINE MAMMAL
PRODUCT*

No

This permit is granted to
to sell a marine mammal/marine mammal product namely .
.....
to
.....

This permit :

- (a) shall not be transferred or assigned;
- (b) does not authorized the sale of any marine mammal/marine mammal product other than that specified in it;
- (c) does not authorize the sale of a marine mammal/marine mammal product to any other person other than the purchaser specified in it.

Other conditions :

.....
.....
.....

This permit expires on

Dated the day of 20.....

MINISTER OF AGRICULTURE & FISHERIES

FORM 5 (regulation 4(1))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)

MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*APPLICATION FOR A PERMIT TO CONDUCT SCIENTIFIC
RESEARCH ON MARINE MAMMALS/MARINE MAMMAL
PRODUCTS*

1. Full names and addresses of persons or body making application and names and address of sponsor(s) where applicable

.....
.....

2. Type and purpose of proposed marine mammal/marine mammal product research in The Bahamas

.....
.....

3. Dates of proposed research project
From To

4. Name, registration number and brief description of type of vessel, and/or other carrier to be used in The Bahamas

.....
5. Date, port and method of arrival in The Bahamas

.....
6. Precise location where proposed research is to be undertaken. (Attach sketch map of location)

.....
.....

7. Proposed cruise plan indicating ports of entry and exits with routes to be followed.

.....
.....

8. Specimens/samples proposed to collect (give full details, including use to which specimens/samples will be put)

9. If land based stations are required, please provide full details of location, equipment to be installed and number of persons who will staff the station.

1. Full time

2. Part time

10. The following particulars are required of each member of the staff.

Full Name

Date of Birth

Sex

Home Address

Nationality

Passport Number

Qualifications

Position held with project

Curriculum Vitae of each participant

11. Names and designations of scientists who will act as advisors to the project (where applicable) ..

12. Samples of any questionnaires to be used during the project should be accompanied with this application,

Signature

Date

FORM 6 (regulation 4(2))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*PERMIT TO CONDUCT SCIENTIFIC RESEARCH ON A
MARINE MAMMAL/MARINE MAMMAL PRODUCT*

This permit is granted to
authorizing to engage in scientific research on
marine mammals/marine mammal products within The
Bahamas on behalf of
by name of
(Name and description of vessel) registration number
.....
within the area of
during the period

This permit :

- (a) shall not be transferred or assigned;
- (b) authorizes only the vessel named and described in it to engage in research conducted for scientific research purposes;
- (c) is granted on the understanding —
 - (i) that the results of the scientific research project are communicated to the Minister;
 - (ii) that copies of all publications resulting from the research project are submitted to the Minister;
 - (iii) that accommodation, food, etc., is provided for an observer/ participant should the Minister wish to nominate in;
 - (iv) that there is no commercialization of the equipment or supplies used during the project;

- (v) that all equipment, etc., which has been imported duty free is exported by the end of the period of research.

Other conditions :

.....

This permit expires on

Dated this day of 20.....

MINISTER OF AGRICULTURE & FISHERIES

FORM 7 (regulation 5(1))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*APPLICATION FOR A PERMIT TO TRANSPORT A MARINE
MAMMAL*

1. Name of Applicant
2. Address
3. Tel # Fax#
4. Type of marine mammal proposed to be transported..
.....
5. Name and location of facility where the marine
mammal will be transported from/to
6. Purpose of the proposed marine mammal transport...
.....
7. Mode and method for the proposed marine mammal
transport
8. Port of entry from which the marine mammal is to be
exported/imported (if applicable)

Signature of Applicant

Date

FORM 8 (regulation 5(2))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

PERMIT TO TRANSPORT A MARINE MAMMAL
No

This permit is granted to
of
to transport the marine mammal specified

This Permit :

- (a) shall not be transferred or assigned;
- (b) authorizes only the transport of marine mammals specified in it.

Other conditions :

.....
.....

This permit expires on

Dated the day of 20.....

MINISTER OF AGRICULTURE & FISHERIES

FORM 9 (regulation 6(1))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*APPLICATION FOR A LICENCE TO OPERATE A VESSEL TO
ENGAGE IN OR FACILITATE THE OBSERVATION OR
INTERACTION WITH WILD OCCURRING MARINE
MAMMALS*

1. Name of Applicant
2. Address
3. Tel # Fax#
4. Name of Vessel
5. Registration Number
6. Radio Call Sign
7. Port of Registration
8. Name and Address of Owner of Vessel
-
9. Type of marine mammal on which the activity is to
be based
-
- common and scientific name of species
10. Site(s) where observation/interaction(s) are to take
place
11. Description of methods to be used during activity
-
-
12. Intended frequency and length of
observation/interactive events (monthly).....

Signature

Date

FORM 10 (regulation 6(2))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)

MARINE MAMMAL PROTECTION (GENERAL)
REGULATIONS

*LICENCE TO OPERATE A VESSEL TO ENGAGE IN OR
FACILITATE THE OBSERVATION OR INTERACTION WITH
WILD OCCURRING MARINE MAMMALS*

No

This Licence is granted to

.....

(name and address of applicant)

authorizing the use of :

Name of vessel

Registration #

Description of craft

for the purpose of engaging or facilitating the
observation/interaction with wild occurring marine
mammals.

This Licence :

- (a) shall not be transferred or assigned;
- (b) authorizes only the vessel named and described in it
to engaged in or facilitate the observation/interaction with
wild occurring marine mammals;
- (c) is granted on the understanding that the Minister may
appoint observers to evaluate an event at the permit
holder's expense.

Other conditions :

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This Licence expires on

Dated this day of 20.....

MINISTER OF AGRICULTURE & FISHERIES

FORM 11 (regulation 7(1))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)

MARINE MAMMAL PROTECTION REGULATIONS
APPLICATION FOR A LICENCE TO OPERATE A CAPTIVE
MARINE MAMMAL FACILITY

- 1. Name of Applicant
- 2. Address
- Tel #Fax#
- 3. Nationality of Applicant or, if a company, the
beneficial owners, their nationality and percent ownership
.....
.....
.....
- 4. Location of proposed facility.....
.....
.....

Signature

Date

FORM 12 (regulation 7(1))

MARINE MAMMAL PROTECTION ACT

(CHAPTER 244A)

MARINE MAMMAL PROTECTION REGULATIONS

APPLICATION TO HAVE PREMISES LICENCED AS A CAPTIVE MARINE MAMMAL FACILITY

- 1. Name of Applicant
- 2. Location of Proposed Facility
- 3. Description of proposed equipment
-
- 4. Details of neighboring premises:.....
- 5. Description of Facility, including:
 - (a) Marine mammal enclosures
 - (b) Food preparation facilities and equipment
 - (c) Food storage facilities
 - (d) Staff facilities
- 6. Type and quantity of water available for food preparation and wash down
-
- 7. Details on captive marine mammals or proposed acquisition for the same
-
- 8. Proposed professional/managerial staff for the Facility
-
- 9. Description of proposed programmes, including —
 - (a) Education programmes
 - (b) Veterinary/medical programmes
 - (c) Quarantine programme
 - (d) Exhibits and/or public/dolphin programmes
-

- (e) Scientific research programmes
- (f) Marine mammal training programmes
- (g) Marine mammal propagation programmes
-
- (h) Pest control programmes
- (i) Environmental quality control programmes
-

NOTE : A plan to the Facility on a scale of not less than one eighth of an inch to the foot should be submitted showing the intended use of each part, room or division and marine mammal enclosure.

.....
Signature
 Date

FORM 13 (regulation 7(2))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION REGULATIONS
LICENCE TO OPERATE A CAPTIVE MARINE MAMMAL FACILITY

This Licence is granted to
 of
 to operate a captive marine mammal facility located at

This Licence expires on the 31st day of December, 20.....
 Dated this day of 20.....

MINISTER OF AGRICULTURE AND FISHERIES

FORM 14 (regulation 7(2))
MARINE MAMMAL PROTECTION ACT
(CHAPTER 244A)
MARINE MAMMAL PROTECTION REGULATIONS
LICENCE FOR PREMISES TO BE OPERATED AS A CAPTIVE
MARINE MAMMAL FACILITY

No

This Licence is granted to to allow premises located at

.....

to be operated as a captive marine mammal facility.

This Licence expires on the 31st day of December, 20.....

MINISTER OF AGRICULTURE & FISHERIES

SECOND SCHEDULE (regulation 10)

FEES

	\$
Permit to sell a marine mammal	500.00
Permit to transport a marine mammal	50.00
Permit to conduct scientific research on marine mammals	50.00
Permit to import a marine mammal	50.00
Licence to export a marine mammal	100.00
Licence to operate a captive marine mammal facility	10,000.00
Licence to operate a vessel to engage or facilitate the interaction with wild occurring marine mammals	1,000.00

**MARINE MAMMAL (CAPTIVE DOLPHIN
FACILITIES) REGULATIONS****ARRANGEMENT OF REGULATIONS****REGULATION**

1. Citation.
2. Interpretation.
3. Application.
4. Location of facility.
5. Emergency contingency plan.
6. Acquisition and disposition records.
7. Daily behavior, feeding and training records.
8. Food and nutrition records.
9. Health and medical records.
10. Environmental quality records.
11. Record retention.
12. Reports of death or birth.
13. Annual Reports.
14. Food nutrition.
15. Food storage.
16. Food preparation.
17. Food Analysis.
18. Feeding.
19. Veterinary medical care.
20. Attending veterinarian.
21. Health Assessment Programme.
22. Physical examination of dolphins.
23. Clinical medicine programme.
24. Quarantine programme and facilities.
25. Education.
26. Staff.
27. Interactive programmes.
28. Instructions for participants in human/dolphin interaction.
29. Exclusion and restrictions for access to dolphins.
30. Dolphin areas.
31. Contact with dolphins.
32. Protection from abuse.
33. Ratios for human/dolphin interaction.
34. Injury to dolphins or human participants.

35. Unsuitable dolphins.
36. Training.
37. Dolphin swim areas.
38. Transportation.
39. Separation from mother.
40. Security.
41. Dolphin facilities and enclosures.
42. Equipment.
43. Water.
44. Pest Control.
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**MARINE MAMMAL (CAPTIVE DOLPHIN
FACILITIES) REGULATIONS**

S.I. 81/2005

(SECTION 19)*[Commencement 1st May 2006]* 34 of 2008, sch.

1. These Regulations may be cited as the Marine Mammal (Captive Dolphin Facilities) Regulations. Citation.
2. In these Regulations — Interpretation.
 - “attending veterinarian” means a veterinary surgeon registered under section 5 of the Veterinary Surgeons Act and who is employed by the licensee of a captive dolphin facility: Ch. 245.
 - “designated veterinarian” means a veterinary surgeon registered under section 5 of the Veterinary Surgeons Act and who is appointed by the Minister to ensure that the standards and guidelines related to dolphin health and husbandry are adhered to by captive dolphin facilities; Ch. 245.
 - “Dolphin Swim Programme” means a programme where persons interact for enjoyment, entertainment and educational purposes in the water with captive dolphins for a specified period of time;
 - “Dolphin Wade Programme” means an activity or programme whereby persons participating in such an activity or programme, sit or stand on an area on to which the captive dolphins approach and there is interaction between both parties for enjoyment, entertainment and educational purposes for a specified period of time;
 - “facility” means a captive dolphin facility;
 - “Marine-Mammal Dive programme” means a programme where persons donning equipment designed to enable them to breathe whilst under water interact for enjoyment, entertainment and educational purposes in and

under the water with captive dolphins for a specified period of time;

“swim programmes” means the Dolphin Swim Programme or the Dolphin Wade Programme;

“trainer” means a person qualified to teach captive dolphins so as to perform certain behaviours under positive stimulus controls;

“veterinary surgery” has the meaning assigned to it by the Veterinary Surgeons Act.

Ch. 245.

Application.

3. These Regulations shall apply to a captive dolphin facility.

Location of facility.

4. No facility shall be licensed unless such facility is located —

- (a) away from sources of odors, dust and air contamination such as refineries, chemical plants and dumps;
- (b) where it will be accessible to a supply of potable water and to a sewerage system;
- (c) in a well-drained area and where it will not be subject to flooding; and
- (d) in an area where it will not be subject to any fuel, oil or toxic chemical pollution.

Emergency contingency plan.

5. (1) Every licensee of a facility shall develop and submit to the Minister for his approval an emergency contingency plan that should outline the measures which will be taken should a dolphin escape.

(2) Notwithstanding subsection (1), the facility shall immediately notify the Minister by telephone or facsimile transmission and shall —

- (a) immediately activate its emergency contingency plans within twenty-four hours of the escape of any dolphin; and
- (b) submit a written report, which shall include a description of the incident and its probable causes within seven days of the escape.

Acquisition and disposition records.

6. (1) The licensee of a facility shall keep and maintain standardized, comprehensive and accurate records pertaining to any dolphins in the care of such facility and

such records shall include acquisition and disposition records which shall contain records regarding —

- (a) daily behaviour, feeding and training;
- (b) food and nutrition; and
- (c) health and medical.

(2) The acquisition and disposition records for each dolphin held by a facility shall include the following particulars —

- (a) the date and location of the acquisition;
- (b) the method of acquisition (wild caught, captive birth, transfer, loan, temporary holding, etc.);
- (c) the sex of the dolphin;
- (d) the genus and species;
- (e) the parentage or hybridization;
- (f) the progeny;
- (g) any microchips or other identification characteristics (e.g. genus, species, sex, and identification number);
- (h) the date and location of disposition;
- (i) the method of disposition;
- (j) any applicable information supplied to studbook for propagation purposes;
- (k) a health profile; and
- (l) annual photographs showing —
 - (i) dorsal fin and flukes; and
 - (ii) details of any personal characteristics for example scars or other markings.

7. The daily behaviour, feeding and training records for each individual dolphin at a facility shall include —

- (a) the observations by the staff members of the individual dolphins, which shall include any behavioural or health related remarks;
- (b) the daily logs completed by either the Dolphin Wade Programme, feeding

Daily behaviour, feeding and training records.

session or any other human/dolphin interaction, which shall specify —

- (i) the time of the day the session took place;
- (ii) the amount of food and type consumed;
- (iii) the details of vitamins and/or medications, if any, given;
- (iv) the type and duration of the particular session;
- (v) how many persons and dolphins participated in the Dolphin Wade or the Marine Mammal Dive Programme;
- (vi) whether there has been interaction with wild dolphins; and
- (vii) the weather conditions and water temperature.

Food and nutrition records.

8. The food and nutrition records for each dolphin shall include —

- (a) the type and/or species of food fed to each dolphin daily;
- (b) the caloric value of the food fed to each dolphin;
- (c) the nutrition and quality analysis of the food used;
- (d) the freezer rotation and specified dates on the food packets; and
- (e) the freezer temperature.

Health and medical records.

9. The Health and medical records for each dolphin shall include —

- (a) the date of examination of the dolphin;
- (b) the name of the veterinarian who conducted the examination;
- (c) the reason for the examination;
- (d) the examination conditions;
- (e) the results of the examination;

-
- (f) blood test results, if any;
 - (g) actions taken, if any;
 - (h) the name of any medications given, if any;
 - (i) the name of any supplements given, if any;
 - (j) the estimated caloric requirement;
 - (k) all measurements, including body weight;
 - (l) any subjective and objective findings (therapeutic approach and treatment plan);
 - (m) the differential diagnosis; and
 - (n) the frequency of veterinarian visits if part-time or consulting.

10. A licensee shall cause to be kept weekly environmental quality records and such records shall include, as applicable — Environmental quality records.

- (a) the water turbidity;
- (b) any test parameters for water quality;
- (e) the bacterial culture test results, if any;
- (d) test results for heavy metal, petroleum or other contaminants, if any;
- (e) a facility maintenance log; and
- (f) a filtration maintenance log.

11. (1) The licensee of every facility shall retain all — Record retention.

- (a) acquisition and disposition records for the life of a dolphin;
- (b) daily behaviour, feeding and training records for a period of five years;
- (c) food and nutrition records for a period of three years;
- (d) health and medical records for the life of the dolphin; and
- (e) environmental quality records for a period of one year.

(2) The licensee shall ensure to protect the records referred to in paragraph (1) from fire, flooding and other natural or human created hazards.

(3) The licensee of a facility shall permit a marine mammal inspector to make and take such copies of any records referred to in paragraph (1) as the inspector considers necessary for the purpose of ensuring compliance with these Regulations.

Reports of death
or birth.

12. (1) When a dolphin dies within facility, the licensee of that facility shall —

- (a) notify the Minister by telephone or facsimile transmission within twenty four hours of the death of the dolphin and shall submit a written report of the event within seven days of the reported death; and
- (b) cause to have completed a necropsy report prepared by the attending veterinarian and submitted to the Minister together with photographic documentation within thirty days of the death of the dolphin and such report shall include —
 - (i) a summary of the medical history of the dolphin, as well as any postmortem laboratory reports;
 - (ii) an assessment of the probable cause of death;
 - (iii) a copy of all laboratory test results; and
 - (iv) within 180 days, the final diagnosis.

(2) Within seven days of the event of a birth of a dolphin, including a stillbirth or aborted fetus, the licensee of the facility shall report the same in writing to the Minister.

Annual Reports.

13. Every facility shall prepare and submit to the Minister before the 31st day of January of each year an annual report which shall cover the periods January - December of the preceding year and such report shall include —

- (a) the statistical summaries detailing the number of people that participated in the swim programmes in the preceding year;

-
- (b) the statistical summaries showing the number of sessions and the numbers of hours, by the day, week, and month, that each dolphin participated in any of the swim programmes;
 - (c) a summary and assessment of the dolphins behavioural records;
 - (d) separate summarized medical reports by the attending veterinarian for each dolphin;
 - (e) detailed descriptions of any interactions that resulted in injury to a human or a dolphin participating in any of the swim programmes;
 - (f) descriptions of any changes made in any of the swim programmes, including their educational aspects;
 - (g) notification of the removal or addition of an individual dolphin from or to any of the swim programmes, the reason (s) for the removal or addition and a health certification of the newly added dolphin(s);
 - (h) notification of any changes in the professional or other swim programmes staff personnel, including the names and qualifications of any new personnel;
 - (i) a report of the fish nutritional and water analyses and the manner and date upon which any recommendation(s) made by the attending veterinarian has been put into operation.

14. (1) The licensee of every facility shall ensure that the food fed to a dolphin shall be —

Food nutrition.

- (a) wholesome, palatable and free from contamination; and
- (b) of sufficient quantity and nutritive value to maintain the dolphin in a state of good health.

(2) The diet for any dolphin shall be prepared with consideration for the age, species, condition and size of the

dolphin being fed, and must be of a high quality consisting of enough food types to allow adequate flexibility to account for variability in food supply and animal preference.

Food storage.

15. (1) Every licensee shall ensure that the food for a dolphin —

- (a) is stored in facilities which adequately protect such supplies from deterioration, mold or contamination, and any food contaminated as a result of the aforesaid should be immediately disposed of;
- (b) is stored at or below 0° degrees Fahrenheit and no longer than the processor's recommended optimum storage dates and time for each type of food.

(2) Perishable food shall be stored in a refrigerator or freezer which shall be cleaned and maintained on a daily basis.

Food preparation.

16. (1) Every licensee shall ensure that all food preparation areas for a dolphin —

- (a) be sanitized morning and evening, and no substances which are known to be toxic or harmful to a dolphin shall be stored or maintained in the storage or food preparation areas;
- (b) is of stainless steel construction and devoid of seams and gaps.

(2) Any food preparation and handling shall be conducted so as to minimize bacterial or chemical contamination and to assure the wholesomeness and nutritive value of the food.

(3) No person shall thaw out dolphin food in water except in situations of emergency.

(4) A licensee must ensure that routine and appropriate procedures for the cleaning, disinfection and sanitation of food preparation equipment and facilities are established.

(5) Attendants and other personnel preparing food in a facility should adhere to an appropriate personal hygiene regime.

(6) Food preparation personnel shall ensure that there are no standing pools of water, rusty surfaces and decaying organic material in the food preparation area.

(7) Every licensee shall ensure —

- (a) that all containers, such as buckets, tubs and tanks, as well as utensils, such as knives and cutting boards, or any other equipment which has been used for holding, thawing or preparing food for dolphins shall be cleaned daily;
- (b) that substances such as cleaning and sanitizing agents, pesticides and other potentially toxic agents are stored in properly labeled containers away from food preparation areas;
- (c) that wash down wastes are not be permitted to drain into a dolphin enclosure or surrounding area.

17. Any shipment of food received for marine mammals shall be accompanied by certification of its nutritional and wholesomeness value and be retested at the discretion of a marine mammal inspector and shall include —

Food Analysis.

- (a) a minimum analysis to include organoleptic and caloric values;
- (b) any additional tests to monitor food quality during storage including a trimethylamine, peroxide, histamine, total volatile nitrogen and bacterial plate count.

18. When feeding a dolphin —

Feeding.

- (a) feeding shall be done only by a qualified staff member who has the necessary knowledge to ensure that each dolphin receives an adequate quantity of food to maintain it in good health or by a member of the public under the direct supervision of such a staff member;
- (b) the staff member responsible for feeding shall have the ability to recognize deviations from a normal state of good health in a dolphin so that food intake can be adjusted accordingly;

- (c) public feeding shall only be permitted if it is done in the presence and under the supervision of a qualified staff member, who shall ensure that the dolphins are receiving the proper amount and type of food;
- (d) fish shall not be re-frozen after it has thawed whether in whole or in part;
- (e) food shall be fed to the dolphin within twenty-hours following the removal of such food from the freezer for thawing;
- (f) vitamin supplementation shall be given and individualized for each dolphin.

Veterinary
medical care.

19. Every licensee shall ensure that the facility has a comprehensive programme for veterinary medical care that is integrated with husbandry, research, and management and such programme shall be established and maintained under the supervision of the attending veterinarian.

Attending
veterinarian.

20. (1) A licensee shall make arrangements to have a qualified attending veterinarian who shall oversee the veterinary medical care programme referred to in regulation 19 and who shall —

- (a) have graduated from an accredited veterinary college;
- (b) possess a licence to practice veterinary medicine in The Bahamas in accordance with the Veterinary Surgeons Act; and
- (c) have a minimum of two years experience in marine mammal medicine within the last five years, or have worked under the direction of a recognized marine mammal veterinarian for at least two years.

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(2) Every licensee shall abide by the laws of The Bahamas governing veterinary practice.

Health
Assessment
Programme.

21. Every licensee shall have a programme of on going health assessment for each dolphin held in captivity, and such health assessment programme shall include —

- (a) regular veterinary rounds;
- (b) daily monitoring by husbandry staff of the physical appearance, activity,

temperament, and/or changes in behaviour of each dolphin; and

- (c) a procedure for recording and communicating health status issues between husbandry and veterinary staff.

22. (1) A licensee shall cause to be conducted a complete physical examination of each dolphin biannually and in instances of illness, as often as deemed appropriate by the designated veterinarian and the results shall include —

Physical examination of dolphins.

- (a) the determination of weight change, if any;
- (b) a comparison of food intake and body weight;
- (c) a hematology, blood chemistry, and appropriate hormonal analysis as needed;
- (d) any vaccinations given;
- (e) other laboratory tests; and
- (f) comments and other observations.
- (2) A licensee shall —
- (a) establish physiological values and serum banks for retrospective studies for each dolphin;
- (b) cause to be conducted parasite screening and treatment where indicated by the attending veterinarian, for each dolphin;
- (c) implement a program of facility design and maintenance to monitor and prevent animal injury;
- (d) ensure that every dolphin is examined and certified as healthy by the attending veterinarian at the time of the dolphin's initial participation in any of the swim programmes.

23. Every licensee shall establish and maintain a programme of clinical medicine which shall include a protocol —

Clinical medicine programme.

- (a) for communication between the care-giver staff and the attending veterinarian;

- (b) for treatment regime administered by the attending veterinarian;
- (c) for emergency medical procedures, administered by the attending veterinarian;
- (d) for establishing a health care programme in keeping with regulatory requirements, including reporting as required;
- (e) for maintaining an inventory of pharmaceuticals and medical equipment;
- (f) for maintaining and reporting controlled substances as required by regulatory agencies; and
- (g) for disinfection and maintenance of animal handling equipment and areas.

Quarantine programme and facilities.

24. (1) Every licensee shall have a quarantine program and facilities to prevent the introduction of infectious diseases.

(2) There shall be a quarantine programme for the arrival of new dolphins at a facility.

(3) Open water enclosures used for quarantine purposes, shall be located in a way that prevents the spread of any disease from animal to animal through natural water movement, and at a distance from other enclosures deemed adequate by the attending veterinarian after consultation with the designated veterinarian.

(4) The attending veterinarian of the facility shall institute quarantine practices based on the prior medical history of the dolphin and the attending veterinarian shall recommend such practices in situations where —

- (a) a dolphin was collected from the wild less than thirty days prior to transport;
- (b) a dolphin was exposed to another new arrival dolphin referred to in subparagraph (a);
- (c) the facility is in receipt of poorly documented medical history on any dolphin;

- (d) there is apparent medical problems of a dolphin at the time of arrival at a facility; and
- (e) in the attending veterinarian's discretion, he considers it necessary.

(5) The attending veterinarian shall supervise the quarantine of a dolphin for a minimum period of thirty days unless otherwise directed by the designated veterinarian, and if, during the thirty day period, additional dolphins are introduced into the quarantine facility, the thirty day period must restart for all dolphins already in quarantine and exposed to the new arrivals.

(6) The attending veterinarian shall thoroughly clean and disinfect before use on any post quarantined animal, any equipment used to feed and clean a dolphin in quarantine.

(7) If approved by the attending veterinarian, an attendant may be allowed to attend to non-quarantined dolphins after working with quarantined animals.

(8) Every facility shall take precautions to minimize the risk of exposure of animal personnel to zoonotic diseases that may be present in newly acquired dolphins.

(9) If an attending veterinarian discovers that zoonotic risks exists in a facility then that facility shall take all the necessary precautions which shall include —

- (a) the use of disinfectant foot baths;
- (b) the wearing of appropriate protective clothing; and
- (c) minimizing any physical contact with the dolphins in that facility.

(10) The attending veterinarian shall conduct a complete physical examination of each dolphin entering and existing quarantine facilities.

25. (1) Every licensee shall ensure that the facility offers an education programme approved by the Minister, about marine mammals which may encompass displays, presentations and a wide variety of other educational programmes, all designed to promote the learning process of visitors.

Education.

(2) An education programme referred to in paragraph (1) shall —

- (a) be based upon current scientific knowledge;
- (b) provide opportunities for visitors to expand their knowledge about marine mammal biology and natural history;
- (c) promote the awareness of, and sensitivity toward, the marine environment and the relationships of dolphins and other marine animals to their natural environment; and
- (d) present information about marine conservation.

(3) Every licensee shall ensure that the facility has a person on staff who shall be primarily responsible for education development and evaluation, and such person shall have the following qualifications —

- (a) a college degree;
- (b) experience working with dolphins; and
- (c) educational and administrative experience.

Staff.

26. (1) Every licensee of a facility shall implement a programme of employee health and sanitation.

(2) The licensee shall retain a professional member of staff consisting of at least one handler per dolphin and such other persons, holding minimum levels of experience, as follows —

- (a) one or more full time management staff members possessing experience of not less than six years in a professional and managerial position relating to captive marine mammals, in particular, dolphins;
- (b) one or more permanent full time members of staff possessing experience of not less than three years in the training and care of captive dolphins at a recognized facility;
- (c) one or more attending veterinarians and/or consulting veterinarians possessing experience of not less than two years with the care and husbandry of dolphins.

27. (1) The dolphins shall be permitted to engage in activities and/or interactive programmes for such periods of time and under conditions consistent with their good health and well-being.

Interactive programmes.

(2) A responsible employee or attendant shall be present at all times during periods of public contact, and during these periods all dolphins must be handled to ensure minimal risk of harm to the public or a dolphin.

(3) All swim programmes in which a member of the public participates, shall be directly supervised by at least two members of the facilities staff and such staff shall have a minimum of one year continuous experience in any of the swim programmes.

28. (1) Written instructions in the form of a handout as well as oral instructions shall be given to each participant prior to any of the swim programmes and such instructions shall inform participants —

Instructions for participants in human/dolphin interaction.

- (a) that the swim programmes present some potential risk of injury;
- (b) that anyone who restrains, pulls or grabs at a dolphin shall be immediately removed from the programme and not permitted to return;
- (c) not to touch the eye, blow hole or genital regions of a dolphin;
- (d) of the various non-interactive areas and that entry is prohibited to visitors;
- (e) that facilities for showering with soap and water before and after swim sessions are available and that no jewelry must be worn during any of the programmes.

(2) The information shall also contain the contact address of the Minister along with a statement to encourage participants to contact the Ministry responsible for marine mammals directly if any injury or problematic situation occurs.

(3) Sufficient time should be allotted for responding to questions by participants.

29. A person who —

- (a) is unable to comprehend, or disregards safety instructions;

Exclusion and restrictions for access to dolphins.

- (b) is intoxicated or otherwise similarly impaired;
- (c) is under the age or height requirement for the specific program;
- (d) is physically impaired and not accompanied by an attendant; or
- (e) is part of a specially designed programme,

shall not be permitted to participate in any of the interactive swim programmes.

Dolphin areas.

30. (1) A licensee shall cause visitors to be restricted from a dolphin area by either fencing or roping off that area in the facility.

(2) No visitor shall be permitted to have access to the dolphins or the areas in which they swim other than during the scheduled swim programmes.

Contact with dolphins.

31. (1) A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact with a dolphin.

(2) During a public exhibition a dolphin must be handled so that there is no risk to the dolphin or any member of the public and there must be sufficient distance and barriers between the dolphin and the general public so as to ensure the safety of the dolphin and the public.

(3) Each participating dolphin in a programme must have at least one period every twenty-four hours of not less than ten continuous hours rest from swimmers.

Protection from abuse.

32. (1) Every licensee shall ensure that all dolphins are provided with protection from abuse, harassment and interference by members of the public by the use of a sufficient number of attendants to supervise the public or by physical barriers, distance or both.

(2) A facility shall report in writing to the Minister within twenty-four hours of any verbal or written threat, vandalism or attempted vandalism made at the facility or towards any personnel of the facility.

Ratios for human/dolphin interaction.

33. (1) The human swim participant/dolphin ratio for the Dolphin Swim Programme shall not exceed 2 to 1 and there shall not be more than six swim participants per trainer.

(2) The human swim participant/dolphin ratio for the Dolphin Wade Programme shall not exceed 10 to 1 and the Dolphin Wade Programme shall not exceed forty-five minutes in duration.

(3) The human diver participant/dolphin programme shall not exceed 6 to 1 and there shall not be more than a total of twenty-one divers, including dolphin trainers in the water at any one time.

34. (1) Any person who handles a dolphin shall do so as expeditiously and as carefully as possible and in a manner that does not cause any unnecessary discomfort, overheating, behavioural stress or physical harm to that dolphin.

Injury to dolphins or human participants.

(2) A dolphin that —

- (a) is involved in an incident in which another dolphin or human is injured;
- (b) exhibits undesirable behaviour;
- (c) exhibits any sexual behaviour directed towards a human;
- (d) exhibits any behaviour or physical symptom that, in the opinion of the trainer, programme staff attending or designated veterinarian, may indicate injury, illness or stress that warrants removal from participation in any swim programme,

shall be removed immediately from the swim programme, and from enclosures in which humans are participating in the programme.

(3) A dolphin that is involved in any incident or exhibits any such behaviour as referred to in paragraph (2) shall not be permitted to participate in any other swim session until it has been examined by the designated veterinarian and determined by the head trainer that it may be returned to the programme.

(4) The head trainer may determine that a dolphin referred to in paragraph (3) may require retraining or other measures before a dolphin returns to a programme and such dolphin may not be returned until such measures has been completed.

(5) When a dolphin is removed, the incident or undesirable behaviour that causes its removal must be clearly described in the daily monitoring records and the name, address, telephone number of each participant and any other person who has observed the incident or behaviour must also be recorded.

(6) A dolphin removed from a swim programme shall, if the incident resulting in its removal involved a human or dolphin injury that received the attention of a medical doctor or veterinarian, remain out of the programme for at least twenty-four hours after its removal.

(7) Where a participant is injured by a dolphin, the facility shall notify the Minister by telephone or facsimile of the injury within twenty four hours of the injury and shall submit a written report on the injury within seven days of the incident, which shall include —

- (a) a description of the injury and its probable causes;
- (b) the name, local and permanent addresses of the injured person;
- (c) the telephone numbers of the injured person;
- (d) the name, address and telephone numbers of any witnesses to the accident; and
- (e) a summary of the progress or conclusions of any dolphin evaluation made as a result of the incident.

Unsuitable dolphins.

35. (1) If a dolphin is determined, whether by the facility or the Minister, to be no longer suitable for use in any swim programme or otherwise, or if the Minister deems that it is no longer in the best interests of the dolphin to remain at the facility, that dolphin shall be taken into the care of a body appointed by the Minister and either rehabilitated for release to the wild in a responsible manner at the cost of the facility at which the dolphin was held or otherwise dealt with in a manner which the Minister deems to be in the best interest of the public or dolphin concerned.

(2) No sick, diseased, stressed or injured dolphin shall be permitted to be used in any swim programme or perform in any manner and such dolphin shall be provided with the adequate veterinary care deemed necessary by the designated veterinarian.

- 36. (1)** A licensee shall ensure that — Training.
- (a) each dolphin completes a training program prior to its initial participation in an interactive programme;
 - (b) each dolphin is consistently trained in husbandry behaviours which shall include stretcher training that allow the taking of blood, stomach, urine and fecal samples and blow hole cultures for regular testing, and such samples shall be taken by or in the presence of, or under the direction of the attending veterinarian except in the case of an extreme emergency;
 - (c) positive reinforcement techniques shall be used in conjunction with the interactive programmes; and
 - (d) every dolphin shall be gate-trained prior to its participation in a swim programme, except for a pre-weaned calf.

(2) The training of a dolphin shall be done by or under the direct supervision of an experienced trainer without food deprivation, physical punishment, fear or abuse being used or inflicted upon the dolphin.

37. (1) A swim area in a facility shall provide each marine mammal with the appropriate water volume based on species specific standards as approved by the Minister, and in particular a dolphin swim area shall have at least 65,000 gallons for every four dolphins and at least an additional 20,000 gallons for each additional dolphin. Dolphin swim areas.

(2) Every swim area shall have a constant minimum average depth of nine feet at mean low tide.

(3) Every dolphin shall be provided with access to a non-interactive area should they choose to terminate any interaction with humans or to terminate their participation in any programme.

(4) Every dolphin shall be trained to recognize its non-interactive area particularly when the same is an adjoining enclosure accessed through gates.

38. (1) No person shall transport a dolphin without the written permission of the Minister and the attendance of an attending veterinarian. Transportation.

(2) Subject to paragraph (1), no person shall transport a dolphin unless —

- (a) an initial health assessment is conducted by the designated veterinarian on each dolphin within three to ten days preceding transport, which shall include an evaluation of any behavioural, feeding and medical records;
- (b) a final transport planning meeting is held by the transport coordinator not more than twenty-four hours prior to transport;
- (c) fasting of the dolphins is considered by the attending veterinarian prior to any transport;
- (d) the dolphin is transported within a properly secured container with water and open top access that provides body support and facilitates homeothermy;
- (e) the dolphin is positioned within the container in such a way that any contact with any hard or abrasive surface will not cause abrasion, nor restrict blood circulation or impede respiration;
- (f) during transportation the dolphin is monitored regularly and the necessary adjustments are made for its comfort where appropriate;
- (g) if transported by air, the aircraft cabin pressure is maintained at less than 8000 feet;
- (h) there is a minimum of two attendants per transport with an additional dolphin attendant per four dolphins, whichever is greater;
- (i) such transport is carried out in accordance with CITES and others applicable agreements.

Separation from
mother.

39. No person shall separate a dolphin from its mother until that dolphin has been weaned naturally or upon the written approval of the head trainer or attending veterinarian.

40. Every licensee shall provide twenty-four hour security at the facility. Security.

41. (1) Where any changes to a facility require the preparation of an Environmental Impact Assessment, the licensee shall obtain the written approval of the Minister prior to any change. Dolphin facilities and enclosures.

(2) A facility for housing dolphins shall be structurally sound and in good repair.

(3) A dolphin which is not compatible shall not be housed near other dolphins or other animals that could cause them stress or discomfort or interfere with their good health.

(4) A dolphin enclosure shall not have any loose objects, wires, ropes or sharp edges which may cause injury or trauma to a dolphin.

(5) All enclosures shall be thoroughly inspected each morning to ensure that they are free from the aforesaid.

(6) All surrounding buildings and grounds, as well as exhibit areas, shall be kept clean and in good repair at all times.

(7) The wall, fence and the bottom surfaces of all enclosures shall be cleaned as often as necessary to maintain proper water quality and through-flow and to ensure that the bottom of the swimming areas are free from debris.

(8) Reliable and adequate sources of hot and cold water and electric power shall be provided to the facility and specifically to those areas where dolphin food is stored and prepared.

(9) A generator of sufficient capacity to provide adequate power in the event of a power shortage to run all refrigerators and freezers for the storage of food shall be installed and maintained in good working order.

(10) Every facility shall contain adequate wash rooms, basins, showers and sinks for employees, attendants and participants.

(11) An enclosure shall not contain water which may be detrimental to the health of the dolphins.

(12) The coliform bacteria count of a holding enclosure shall not exceed 1000 MPN (most probable number) per 100 ml of water.

(13) No fuel shall be transferred within 1000 feet of a dolphin enclosure unless appropriate measures in compliance with the local governing bodies are in place to protect marine mammals in the event of an oil spill.

Equipment.

42. Only professionally recognized equipment or apparatus shall be used on a dolphin when conducting dolphin research or when carrying out dolphin husbandry/training programmes.

Water.

43. (1) An analysis of ambient water for coliform, heavy metal, petroleum and other contaminants shall be carried out weekly by and approved by the Minister.

(2) Water samples shall be taken on various days of the week and various times throughout the day for testing.

(3) Records must be kept documenting the time when samples were taken and the results of the sampling.

(4) A marine mammal inspector may at any time take water samples from a facility for the purpose of testing, the cost of which shall be met by the licensee of that facility.

Pest Control.

44. A licensee shall ensure that a safe and effective programme for the control of insects, ectoparasite and avian and mammalian pests are established and maintained at the facility.

Propagation.

45. A facility participating in dolphin propagation shall —

- (a) prior to a time of parturition, provide for the ability to separate pregnant females from other animals;
- (b) provide maternity pools that are of a size and configuration to facilitate nursing and calf-rearing;
- (c) have personnel that possess or have access to expertise concerning dolphin reproduction;
- (d) establish a programme to monitor calf delivery and rearing in place;

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- (e) give consideration to the daily activity level of pregnant and nursing female dolphins;
 - (f) monitor the reproductive status of male and female dolphins using hormonal assays and ultrasonography;
 - (g) consider breeding programmes and the reproductive and physical condition of participating dolphins;
 - (h) maintain breeding, pre-parturient, and lactating dolphins in social environments encouraging successful rearing of offspring;
 - (i) develop contingency plans and record protocol procedures for —
 - (i) emergency intervention before, during and after delivery;
 - (ii) unexpected pregnancies;
 - (iii) weaning;
 - (iv) illness; and
 - (v) pathological examinations of mortalities.
 - (j) participate in regional or international studbook and breeding management programmes such as the Marine Mammal Taxon Advisory Group or a Species Survival Plan or others as recommended by the Minister; and
 - (k) give consideration to the specific needs of each dolphin.