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ABOUT THE COVER

The Canada lynx (*Lynx canadensis*), a medium-sized wild cat, thrives in cold, forested environments with deep snow. Lynx populations naturally fluctuate in rhythm with the roughly decade-long crest and crash cycles of the animals' primary prey, snowshoe hares. Through bust and boom times, however, lynx were once abundant in the northeastern United States, before fragmentation of habitat drastically reduced their numbers and range in the United States outside of Alaska. Now, south of the Canada-contiguous US border, lynx are confined mostly to Maine and pockets of Minnesota and western states, and are listed as threatened under the Endangered Species Act.

Trapping of lynx in Maine threatens to reduce their numbers even further. AWI, the Center for Biological Diversity, and the Wildlife Alliance of Maine have filed suit against the US Fish and Wildlife Service for allowing trappers in Maine to "incidentally take" lynx when targeting other furbearing wildlife. More on the lawsuit and this dire threat to this species can be found in the article on page 14 of this issue.

PHOTO BY JIM BRANDENBURG/MINDEN PICTURES

Court Axes Aquarium's Beluga Acquisition Effort

AFTER A LONG AND WINDING PROCESS, a federal court has turned aside Georgia Aquarium's attempt to import wild beluga whales from Russia. In June 2012, Georgia Aquarium applied for a Marine Mammal Protection Act (MMPA) permit to import 18 wild-caught beluga whales from the Sea of Okhotsk. In August 2013, the National Marine Fisheries Service (NMFS) denied the permit application after strong opposition from AWI and other organizations. In September 2013, the Aquarium sued the agency to overturn this decision. The court proceedings began soon after, with motions and briefs and a successful effort by AWI and three other animal protection organizations to intervene on the side of the government. On August 14 of this year, the court finally heard oral arguments on the merits of the case.

AWI and the other intervenors were present in the courtroom to hear these arguments and represent the many stakeholders who oppose the exploitation of free-ranging cetaceans for entertainment purposes. Our excellent pro bono attorneys with the Atlanta-based law firm Stack & Associates presented a strong case to the judge, supporting the science-based decision originally made by NMFS. The judge asked many questions of all the attorneys, showing a deep understanding of the issues.

On September 29, the ruling came in: a resounding victory for defenders of wild cetaceans. Judge Amy Totenberg found that NMFS followed the statutory mandate of the MMPA in denying the Aquarium's permit application. In a forceful, maritime-themed ruling, Judge Totenberg concluded that "Georgia Aquarium's arguments ... cast a wide net, but haul in little of substance." This ruling sets an important precedent, confirming that the burden of proof that marine mammal captures are humane and sustainable rests squarely with the permit applicants. 🐾

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Above Left: Fish are fascinating. But is the cost to keep them in home aquariums too high? (Allan Hopkins)

Top Right: Red wolves were on the rebound. Now the federal government is getting weak-kneed over its own recovery program. (Christine Majul)

Bottom Right: Ferrets—one of the species whose needs are considered in the new edition of AWI’s *Comfortable Quarters for Laboratory Animals* (Yale Photo & Design)



FLORIDA MANATEES MAY GET MORE MANEUVER ROOM IN CRYSTAL RIVER

Three Sisters Springs is an important 1.5 acre manatee wintering area within the Crystal River National Wildlife Refuge on Florida's Gulf coast, about 50 miles north of Tampa. The Florida manatee (*Trichechus manatus latirostris*) is an endangered subspecies of the West Indian manatee. These manatees face boat traffic and numerous other human threats as they navigate the warm waters of the Crystal River, as well as upon arrival in Kings Bay, a natural inland lake at the headwaters of the river. Kings Bay provides the animals' largest winter habitat in Florida, but nowadays is totally surrounded by the City of Crystal River and readily accessible to swimmers, boaters, floaters and kayakers. People naturally like to get close to these gentle giants—unfortunately, close enough on many occasions to alter the manatee's natural and essential behaviors. In 2010, the US Fish and Wildlife Service (USFWS) issued an emergency rule to create a manatee refuge for all of Kings Bay (see *AWI Quarterly*, winter 2011), a rule that was made permanent in 2012.

Now, the USFWS is proposing specific restrictions in the Three Sisters Springs part of Kings Bay where



NALUPHOTO

Florida manatees are beloved, but beleaguered by the hordes of humans who crave their company in Crystal River/Kings Bay. The USFWS is proposing additional protections for the animals.

manatees—particularly mother-calf pairs—are known to congregate. The springs (and manatees) attracted more than 130,000 tourists during the 2013/4 season. With as many as 450 manatees recorded there in February 2015 alone, encounters with humans are inevitable. The new rule would close part of Three Sisters to humans during manatee season (November 1–April 15); ban kayaks, rafts or other floating crafts from entering the springs area; and cap the number of people allowed in the water at any one time at 13 (including guides, visitors, and photographers). Six refuge staff or designees could also be in the water for purposes such as, but not limited to, manatee rescue and release, research, environmental education/filming, and habitat restoration. In-water viewing would only be allowed between 9 a.m. and 4 p.m. and the refuge would be allowed to impose emergency closures to protect manatees and/or public safety at any time.

While the proposed new rules would not shield manatees from all harassment, the added protections should help. The USFWS anticipates making a final decision by December 2015, at which time the new rules would be put in place and could affect the upcoming manatee season. 🐾

Despite Protections, Marine Species Still Targeted in the Caribbean

AWI HAS LONG BEEN INVOLVED in the United Nations Caribbean Environment Programme, and specifically its Protocol Concerning Specially Protected Areas and Wildlife (SPA Protocol), which prohibits the taking of listed flora and fauna species. Sea turtles and orcas are listed species and are therefore protected. Yet this past summer, opportunistic whalers from SPAW Protocol signatory St. Vincent and the Grenadines hunted and killed four orcas believed to be a family group. Rumors circulated of an additional 10 killed by summer's end. Another signatory, St. Lucia, is again allowing the harvest from October 1 through December 31 of three species of endangered sea turtles, including the critically endangered hawksbill turtle. Clearly, work is needed to make the protocol more meaningful. To this end, AWI is using its position on a SPAW Protocol working group, which is tasked with defining the procedure by which exemptions are taken under the agreement, to prevent such blatant disregard of its provisions. 🐾



MARK PALMER, EARTH ISLAND INSTITUTE

Dr. Naomi Rose of AWI speaks before the California Coastal Commission as they weigh whether to approve SeaWorld San Diego's Blue World expansion project. In a victory for orca welfare (and a blow to SeaWorld), the commission conditioned its approval of the project on a cessation of SeaWorld San Diego's captive breeding program, an end to relocation of whales to and from the site, and a cap of 15 whales at the facility. Prior to the meeting, Naomi met with commissioners to outline AWI's concerns over the project.

California Coastal Commission Pours Cold Water on SeaWorld Expansion Plan

ON OCTOBER 8, the California Coastal Commission voted to allow SeaWorld San Diego to build its \$100 million expansion of Shamu Stadium, a project known as Blue World, but only under the following conditions: the orca breeding program must end; consistent with federal law, no whales can be transferred into or out of the park; and the number of whales held in the new complex must be capped at 15.

The phrase “consistent with federal law” means that the whales who are in San Diego because of permits issued under the federal Marine Mammal Protection Act—Shouka and Ulises, who were imported from Europe, and Corky and Kasatka, who were caught from the wild—may be transferred out of the park, but the latter three are older and established in the dominance hierarchy and therefore it is highly unlikely they will ever be moved. There are currently 11 whales at SeaWorld San Diego, so the four whales who could be added are to accommodate any rescues that may occur in the future.

Only a few days before the hearing, the commission staff released its recommendation to approve the permit application. The staff recommended conditioning the permit to prohibit SeaWorld from acquiring any orcas captured from the wild since February 2014. It is believed that 13–15 orcas have been captured from Russian waters since August 2012, meaning several might have been “fair game” for SeaWorld to add to the San Diego park.

However, the staff conditions would have allowed breeding to continue unabated. Also, although SeaWorld claimed it wanted to improve the whales' welfare by providing new features such as a machine that generates a

current and more room, the new tank would be separated from the current Shamu Stadium by a narrow channel with gates at either end. The whales would have access to Blue World only at management's discretion. Further, the construction phase of the project, slated to take about two years, would be stressful, with the whales subjected to noise, vibrations, dust and debris. To top it off, the hole for the new tank would be dug in an earthquake zone subject to liquefaction—the risk of a catastrophic failure of the underwater viewing window, larger than any other at the park, is very real.

The commission has voted against staff recommendations on several occasions in the past. In this case the commissioners, led by Vice Chair Dayna Bochco, unanimously voted to end, through a long-term phase-out, the public display of captive orcas in California. The whales currently in San Diego would almost certainly be the last, as very few orcas strand alive in the wild and even fewer are successfully rescued. SeaWorld has announced it will sue to overturn the commission's decision. This is hardly surprising, given that SeaWorld already admitted, shortly after announcing plans for Blue World last year, that expanding its orca breeding program was a primary motivation for the project. It was never simply about providing a better environment for the orcas.

To settle the question once and for all, AWI and its allies will push ahead in 2016 and work to pass Assemblymember Richard Bloom's Orca Welfare and Safety Act, which would end captivity of orcas for entertainment purposes in California (see *AWI Quarterly*, spring 2014). 🐾



ETHICAL AND ECOLOGICAL IMPLICATIONS OF KEEPING FISH IN CAPTIVITY

FISH TANKS are ubiquitous—found in doctor’s offices, Chinese restaurants, corporate headquarters, and in millions of homes throughout the world. Some studies report that they reduce anxiety, stress, and blood pressure, calm hyperactive children, and provide some relief for those suffering from Alzheimer’s disease. They can be big or small, plain or fancy, and they come in every conceivable configuration. There’s even a reality television show, “Tanked,” that builds them for the famous and well-heeled.

Whether a small, sterile bowl with a single forlorn fish sitting on a kitchen table or a large tank in a municipal aquarium, they are designed to keep fish in captivity for human enjoyment. Within their walls, a cornucopia of freshwater and marine species can be found that, like their tanks, come in a variety of colors, shapes, and sizes. Many are bred in captivity while others are captured in the wild and traded internationally.

But what are the consequences of captivity? Beyond the size of the tank, number of fish, and water quality and temperature, there are ethical and environmental costs

inherent to the ornamental fish trade. Sadly, most captive fish live short lives and are easily replaced with new “stock”—creating a constant demand that feeds a cycle of collection/production, acquisition, and death.

In recent years, the film *Blackfish* has advanced the global effort questioning the ethics of keeping orcas in captivity. It has challenged people to recognize the cruelty of keeping large, intelligent, and sentient animals in such small tanks. While ornamental fish don’t travel the same distances as wild orcas, they are sentient—showing far more cognitive abilities than they are given credit for—and few, if any, spend

their entire lives in the wild in the volume of water contained in a standard fish tank.

Remarkably, tanks that contain no more than one-half gallon of water—a size insufficient to provide a home to even the smallest ornamental fish species—continue to be sold. Bed Bath and Beyond, one of many stores that sell tiny 6-inch, half-gallon cube tanks, brags that “they take up very little space and look great on counters, desks, podiums or even mounted on a wall” and their “chic design ... blends in nicely in a variety of household or office settings and is a simple way to introduce a calming element to your everyday environment.”

Even a larger, full-size home aquarium can't provide the diversity of habitats and conditions that are found in the wild, and fail to meet the physical and psychological needs of its captives. Often, according to various aquarium publications, these tanks are overstocked with fish living in poor quality water, resulting in suffering and premature death. Moreover, while “tiny tanks” are preferred by some, aquarium enthusiasts report that they are more difficult to properly maintain than larger tanks—contributing to high death rates for fish relegated to a life in a few cups of water.

While most do not question the sentience and intelligence of dogs, cats, and many other animals, these traits are not often attributed to fish. Scientists continue to debate whether fish experience pain as humans do, but Dr. Culum Brown of Australia's Macquarie University, in a 2015 paper in *Animal Cognition*, concluded that, “fish perception and cognitive abilities often match or exceed other vertebrates,” and that “the extensive evidence of fish behavioural and cognitive sophistication and pain perception suggests that best practice would be to lend fish the same level of protection as any other vertebrate.”

Beyond ethical concerns, the ecological implications of the hobby and the industry that feeds it are enormous. According to the literature, while 95 percent of freshwater fish are bred in captivity, 95 to 99 percent of marine (or saltwater) fish in the aquarium trade are collected from the wild. Globally, it is estimated that over 1 billion ornamental fish (freshwater and marine) from some 5,400 species are traded annually for the aquarium industry. This does not include the invertebrates, crustaceans, live rock, corals, and plants that are also part of the ornamental fish trade.

The United States is the number one importer of ornamental fish, followed by the European Union and Japan. The majority of captive-produced freshwater fish come from Southeast Asia and Florida, while most marine fish



AVI



EE SHAWN

Top: Ornamental fish at Chatuchak Market in Bangkok, Thailand.
Bottom: In Da Lat, Vietnam, fish hang from a frame on the back of a motorcycle, ready for sale.

are exported by Indonesia, the Philippines, Malaysia, Vietnam, Brazil, the Maldives, Papua New Guinea, Sri Lanka, the Solomon Islands, and Timor-Leste. In the United States alone, according to a detailed examination of import invoices undertaken by Dr. Andrew Rhyne and colleagues, 10.5 million fish from over 1,800 species were imported into the country in



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Aquarium fish presented for sale often endure crowded tanks or extreme confinement in plastic bags. Many do not survive the ordeal.

2004–2005. For comparison, at least 10 million ornamental fish were imported into and 1.3 million exported from the United States in 2014, with over 83 percent of these fish caught in the wild. Yet, this understates the number of fish in the US aquarium trade, as it doesn't include fish traded domestically.

Unfortunately, credible, long-term studies assessing the impact of the ornamental fish trade on most wild-caught freshwater and marine species in trade are sparse. This makes it difficult to fully analyze the biological and ecological impact of trade, particularly in light of other natural and anthropogenic threats to these species and their habitats. Even obtaining accurate species-specific global trade data is nearly impossible. The United Nations collects such data, but all species are combined and trade is reported in kilograms, not in number of fish.

For ornamental fish, particularly those from the wild in high demand, the biological and ecological consequences of the trade can be devastating, resulting in localized species depletion and extinction. Fish endemic to a particular area and those with life history characteristics making them slow to respond to population perturbations are particularly at risk.

Other impacts from the trade include destructive fishing practices and the significant capture-to-tank mortality of many species. The use of toxins like cyanide to capture fish can kill or impair both target and nontarget species, while also killing coral or impairing its ability to provide shelter or food to marine life. Although the industry has established guidelines to try to eliminate such practices, reportedly such poisons continue to be widely used. In addition, some collectors physically destroy coral to capture target fish.

If the fish don't die during collection, a large number die in captivity both before and after they are sold to hobbyists. Depending on the source of the fish, many wild-caught animals spend days or weeks in transit before arriving at your local pet store; mortality rates from stress, injury, disease, or mistreatment can exceed 80 percent. While industry guidelines are intended to reduce capture-to-sale mortality, it is unclear how many traders are complying with the standards, or if they are effective.

For those fish that do survive, some are intentionally or accidentally released into the wild. In some cases, these species can become invasive and adversely impact local ecosystems by outcompeting native fish, disrupting predator-prey dynamics, and transmitting diseases. An analysis by Drs. Whittington and Chong of the disease-



PETER LIU

Lionfish

transmission potential of the ornamental fish trade in Australia revealed a number of diseases in imported fish that had cleared quarantine, as well as the presence of nonnative fish and their introduced diseases in the wild. The same impacts have been documented in other countries, including the United States, which has no known quarantine process for imported ornamental fish. Imported lionfish, for example, have been dumped into the wild by home aquarium owners for the past 25 years, and have become an enormous ecological threat to Atlantic coastal waters in the United States and the Caribbean.

Freshwater species tend to be easier to maintain in captivity, generally have lower mortality rates and, since most are captive bred, don't pose as great a risk to wild fish stocks. Nevertheless, they too suffer in captivity and the conservation implications of their trade are not benign. The International Union for Conservation of Nature issued a report in 2003 indicating that a large number of freshwater fish are collected from the wild, particularly in Brazil, Colombia, Indonesia, Peru, and East African countries. For these species, overcollection can result in localized depletions and extinctions, capture-to-tank mortality can be high, and they also can become invasive species if released.

Despite the massive trade in fish for aquariums, there are very few aquarium species protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Given the quantity of



SAMUEL CHOW

Clownfish

fish in trade, evidence of overcollection impacts, and lack of credible information about the impact of trade (and other threats) on many species, CITES protections may be warranted. Without international restrictions on trade, the fate of thousands of fish species is controlled by national laws which, in many countries, are woefully inadequate.

Ultimately, the consumer has to decide whether to keep fish in captivity. While many people around the world rely on the ornamental fish trade for all or some of their income, is this worth the ecological and ethical costs of captivity? Perhaps if you are considering a fish tank for your home, you should think like a fish and ask if you would prefer a life in the wild or behind glass walls. 🐾

PAWS ACT ON POSITIVE TRACK

On September 18, AWI joined other animal protection organizations in co-hosting a briefing by the Congressional Animal Protection Caucus for staff of members of the US House of Representatives on the Pet and Women Safety (PAWS) Act (HR 1258/S 1559). Both co-chairs of the Caucus, Reps. Earl Blumenauer (D-OR) and Mike Fitzpatrick (R-PA), appeared at the briefing, as did the primary sponsors of the House bill, Reps. Katherine Clark (D-MA) and Ileana Ros-Lehtinen (R-FL). Rep. Clark spoke powerfully about the need for the bill and shared a personal story from her district of the often deadly relationship between animal violence and human violence. Equally moving was Caroline Jones, president and CEO of Doorways for Women and Families, a domestic violence shelter in Arlington, Virginia, that can now accommodate pets. She recounted the evolution of her organization's realization that the inability to house pets meant turning away many victims who came to them for help. Even though Doorways has a relationship with the Animal Welfare League of Arlington for temporary safekeeping of these pets, Jones said they found that many women refuse to part with their companion animals. AWI's Nancy Blaney gave staff an overview of the problems presented by the lack of resources for domestic violence survivors who have pets, and introduced a video by Allie Phillips, who works with shelters that want to provide on-site housing for animals. A number of new House co-sponsors were added as a result of the briefing, and support continues to grow in both the House and Senate. 🐾



ALEXANDRA ALBERG/AWI

AWI's Nancy Blaney speaks at the congressional briefing for the Pet and Women Safety Act—a bill that would help domestic violence survivors and their companion animals find shelter.



BRANDON PRICE

An amendment added to the SHARE Act would compel the National Park Service to use “skilled volunteers” to shoot bison in Grand Canyon National Park.

Sportsmen's Act Takes Another Shot at Wildlife

ON OCTOBER 7, the House Natural Resources Committee voted to advance HR 2406, the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act, which presents a clear assault on wildlife both at home and abroad. The current House version of this recurring bill is even more extreme than its Senate counterpart (S 405, the Bipartisan Sportsmen's Act), and is little more than a grab bag of troubling measures that jeopardize already fragile ecosystems and animal welfare.

A significant portion of the mark-up focused on language to undercut the US Fish and Wildlife Service's proposed regulations to place additional limits on the sale and trade of ivory—despite the fact that these regulations are vital, given that the United States is the second-largest market for ivory in the world. Among the bill's numerous other harmful components are provisions expanding the use of brutal body-gripping traps on public lands and facilitating trophy hunting of imperiled species.

SHARE Act proponents defeated amendments from two strong advocates of animal welfare. Ranking Member Raul Grijalva (D-AZ) proposed striking the overreaching ivory provisions from the bill. Special interest groups, including the National Rifle Association, have lobbied against tougher ivory restrictions despite exemptions in the proposed regulations for instruments, firearms, and antiques that contain ivory. An amendment by Rep. Don Beyer (D-VA) would have effectively replaced the entire bill with new language promoting genuine conservation measures.

AWI will continue working with lawmakers on both sides of the aisle to ensure that these bills once again fail to reach the president's desk, and that harmful provisions are stripped from both House and Senate versions of the bill before they reach the floor. 🐾

Federal ORCA Act Introduced

ON NOVEMBER 6, 2015, Rep. Adam Schiff (D-CA) announced that he would introduce the Orca Responsibility and Care Advancement (ORCA) Act. With eight original cosponsors, the ORCA Act (HR 4019) takes a long-overdue step: it would prohibit the breeding, wild capture, import, and export of orcas for the purpose of public display. It allows for the orderly phasing out of orca exhibits—giving facilities time to transition to a more humane future but ensuring that public display ends with this generation of captive orcas. The inherent adverse welfare implications of confinement in concrete tanks of these complex, intelligent, and highly social marine mammals has been evident for many years, but

it took the film *Blackfish* to push it firmly to the fore of the public's consciousness. Current US law is simply not up to the job of sparing orcas from a life of deprivation: The federal government is still allowed to issue permits for the wild capture or import of orcas for public display. And while the US Department of Agriculture (USDA) is on the verge of updating its decades-old regulations for marine mammal exhibits, no state of captivity, however well regulated, allows orcas to thrive. As Rep. Schiff noted at his press conference, "The evidence is very strong that the psychological and physical harm done to these magnificent animals far outweighs any benefits reaped from their display." 🐾



BRIAN MCKAY

ANTI-POACHING BILL PASSES HOUSE

Congress has taken an important step toward cracking down on wildlife trafficking. On November 2, the House of Representatives passed HR 2494, the Global Anti-Poaching Act, introduced by Reps. Ed Royce (R-CA) and Eliot Engle (D-NY). Aimed at curbing the rampant illegal wildlife trade that is devastating populations of elephants, rhinos, and other imperiled species, the bill contains several provisions to strengthen the hand of law enforcement. Among other things, HR 2494 would (1) make penalties for smuggling or selling endangered species equivalent to penalties for weapons and drug trafficking, (2) expand law enforcement networks and facilitate partnerships between the United States and other countries for fighting terrorist groups and international crime syndicates that use the profits from wildlife trafficking to fuel dangerous activities, and (3) direct the State Department to explicitly identify countries that

are major sources, transit points, or consumers of trafficked wildlife products. A Senate companion bill, S 27, also enjoys strong bipartisan support and, as we go to press, awaits a vote.

This victory, however, sounded a discordant note with the last-minute inclusion of language stating "that lawful, well regulated hunting can contribute to sustainability and economic development, and that enforcement policies should not discourage or impede this activity." This language fails to recognize that legal hunting provides cover for the illegal activities this bill is intended to eradicate and that we should be encouraging the countries whose wildlife is under pressure to develop more nonlethal ways to benefit from their natural resources. With several stand-alone bills before Congress extolling hunting, this statement, which undermines the purpose of HR 2494, hardly seems necessary or wise. 🐾



USTWS MOUNTAIN-PRAIRIE

Behind every ivory curio is an elephant carcass. These carvings were confiscated (and later destroyed) by the US Fish and Wildlife Service.

Ethical Antibodies— Researchers Deciding that “Animal Welfare Matters”

On October 16, 2015, Alice Ra'anan and Bill Yates of the American Physiological Society published a blog post for Speaking of Research entitled “Caveat Emptor,” with the subtitle “A current USDA case involving a major antibody producer underscores the need for the research community to demonstrate its commitment to high standards of animal welfare.” The post (the third such post to appear on <http://speakingofresearch.com>) describes the USDA's longstanding allegations of Animal Welfare Act (AWA) violations against one of the world's largest research antibody suppliers, Santa Cruz Biotechnology (SCBT). The post details the AWA violations alleged against SCBT in a 2005 settlement; three USDA complaints filed July 2012, November 2014, and August 2015; and the August 18–21, 2015, hearing before a USDA administrative law judge. The authors state that, although these remain allegations, as no final legal judgment has been reached, “Nevertheless, the seriousness of the USDA's charges against SCBT demands attention.” The authors also note that the most recent complaint alleged that SCBT had “demonstrated bad faith by misleading” the USDA about the “existence of an undisclosed location” housing regulated animals. The Animal Welfare Institute urges you to read this post at <http://speakingofresearch.com/2015/10/16/caveat-emptor/>. The following is an excerpt:

ANIMAL WELFARE MATTERS

On February 14, 2014, Cat Ferguson wrote in The New Yorker about alleged animal welfare problems at SCBT, “Valuable Antibodies at a High Cost [<http://www.newyorker.com/tech/elements/valuable-antibodies-at-a-high-cost>].” On September 25, 2015, science writer Meredith Wadman published an opinion article in the San Jose Mercury News about the 4-day hearing the previous month. In “[No excuse for cruelty to goats raised for medical research](http://www.santacruzsentinel.com/general-news/20150925/meredith-wadman-no-excuse-for-cruelty-to-goats-raised-for-medical-research) [<http://www.santacruzsentinel.com/general-news/20150925/meredith-wadman-no-excuse-for-cruelty-to-goats-raised-for-medical-research>],” Wadman opined that researchers were “the only constituency that Santa Cruz cares about,” and urged them to “weigh in” using

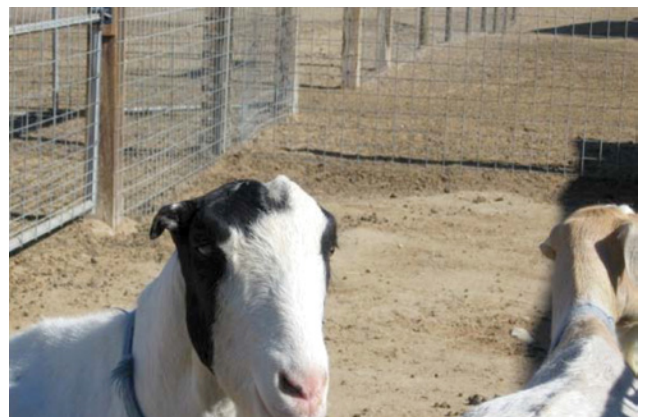
their purchasing power. According to Wadman, Matt Scott of the Carnegie Institution for Science and Pamela Björkman of the California Institute of Technology have stopped buying antibodies from SCBT. Wadman concluded by asking, “Is it too much to ask other scientists to follow suit?”

Testimony from USDA Veterinary Medical Officer Marcy Rosendale was reported in an [account](https://awionline.org/archived-action-alerts/key-hearing-dc-august-18-august-20#updates) [<https://awionline.org/archived-action-alerts/key-hearing-dc-august-18-august-20#updates>] of the August 18–20, 2015 hearing posted by the Animal Welfare Institute. According to this report, Rosendale said she had not observed the same number of animal welfare problems she found at SCBT at other antibody production facilities she had visited.

There is growing recognition that to ensure the rigor of their work, scientists need more information about the antibodies they use actually, i.e., technical specifications such as what part of the target protein the antibody binds to. Perhaps it is also time to pay more attention to how those antibodies are produced.

USDA inspections are a matter of public record, but meeting the requirements of the AWA should only be the beginning. Antibody producers should be encouraged to take additional steps to affirm their commitment to animal welfare, such as by seeking independent accreditation of their production facilities through AAALAC. The point is that researchers and antibody producers alike must find tangible ways to demonstrate a commitment to high standards of animal care.

A detailed report on the case against SCBT, including the historic hearing and its consequences, will be featured in the next issue of the AWI Quarterly. 🐾



One of the many photos in the USDA's case against SCBT. The USDA alleges that the goat at left was not provided adequate veterinary care.

Conference on Social Housing for Animals in Research

THE SYMPOSIUM on Social Housing of Laboratory Animals will be held on March 17–18, 2016, on the campus of the University of California, Davis. The meeting, co-hosted by the Johns Hopkins Center for Alternatives to Animal Testing, the UC Davis School of Veterinary Medicine, the US Department of Agriculture, and the National Institutes of Health's Office of Laboratory Animal Welfare, is the third held on this topic, which is so critical to the well-being of animals in research. The agenda is still being finalized, but will include presentations on the socialization and welfare of mice, fish and amphibians, rabbits, macaques, and swine, as well as presentations on dog cognition, social housing during experimentation, and the use of personality to predict compatibility. AWI will table at the event, providing complimentary copies of our publications for personnel involved in the care and treatment of animals in the laboratory—including our newest book, *Comfortable Quarters for Laboratory Animals*. Additional information on the conference and registration can be found at http://caat.jhsph.edu/programs/workshops/social_housing.html. Please note that space is limited and registration closes on February 29. 🐾

Last of NIH Chimpanzees to Be Retired

On November 18, the National Institutes of Health (NIH) announced it would retire all of its remaining chimpanzees used for research and relocate them to sanctuaries. In 2013, as a result of a report by the Institute of Medicine, the NIH had retired most of its chimpanzees (about 310), but maintained 50 for use in future research. Since then, only one proposal had been submitted to use the chimpanzees, and it was withdrawn.

In addition, the NIH will begin phasing out support for research on those chimpanzees not owned, but supported by the NIH. The announcement did not indicate a timeline to move the chimpanzees to sanctuaries or the means by which they would be supported for the rest of their lives—but this decision, coupled with their recent designation as an endangered species, effectively ends all invasive research with chimpanzees. 🐾

COMFORTABLE QUARTERS FOR LABORATORY ANIMALS

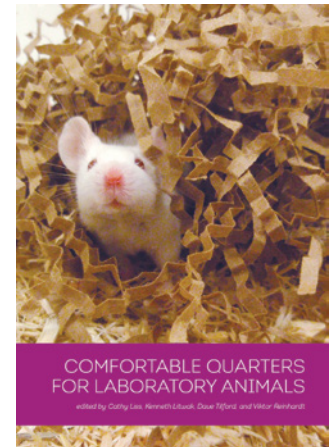
AWI is pleased to announce publication of the tenth edition of *Comfortable Quarters for Laboratory Animals*, our guide to the humane housing and handling of animals in research.

AWI has produced editions of *Comfortable Quarters* for the past half century to serve as a key resource for animal care personnel in laboratories. Free copies are distributed to individuals in research facilities around the globe.

There is a great need for stronger, more inclusive legal protections and more stringent housing and handling standards for animals in research. There is, however, a nascent but growing recognition in scientific circles of the need to keep these animals physically and psychologically healthy—not only because it is a moral imperative (which is reason enough), but also because doing so reduces extraneous variables. From the earliest days of the organization, AWI has worked to propagate innovative housing and handling techniques that provide animals in research with adequate enrichment, species-appropriate quarters, and relief from unnecessary pain and distress.

Comfortable Quarters describes the unique biological and social needs of animals and provides practical advice on how caretakers in the laboratory can better accommodate those needs. Each chapter is dedicated to a specific animal group—from mice (chapter 1) to nonhuman primates (chapter 14). In this tenth edition, ferrets and zebrafish are covered for the first time, and there are summary chapters on the human-animal bond and extraneous variables.

This book is intended for anyone involved with animals in research, including technicians, veterinarians, scientists, institutional officials, enrichment specialists, inspectors, and Institutional Animal Care and Use Committee members. AWI hopes that all who have a hand in the way these animals are treated will take inspiration from this book to go well beyond the minimum standards in seeking to ensure the best possible welfare for the sentient beings in their care. 🐾





AWI FILES SUIT TO PROTECT CANADA LYNX IN MAINE

ON AUGUST 17, AWI and allies filed a lawsuit against the US Fish and Wildlife Service (USFWS) for allowing trappers in Maine to seriously injure and kill (“take”) Canada lynx (*Lynx canadensis*), a federally protected species. The lawsuit requests that the court close down the state’s trapping season. As we go to press, we await news on when the case will be heard.

The population of Canada lynx in Maine is particularly important because, according to federal officials, it is the largest such population in the contiguous United States. The last estimate, from 2006, indicated that there were between 750 and 1,000 lynx in the state. While Canada lynx once roamed throughout the northeastern United States, they are now largely limited in this country outside of Alaska to Maine and portions of Minnesota and western states.

According to a 1999 study by the US Forest Service, “Lynx appear to be extremely susceptible to trapping, and where trapping is permitted it can be (and has been) a significant source of mortality.” Each year in Maine, trappers targeting fox, mink, fishers, and other furbearers seriously

injure or kill lynx. Between 1999 and 2012, 70 were confirmed trapped. Because Canada lynx are protected under the Endangered Species Act (ESA), states cannot allow them to be harmed or killed even accidentally by trappers without first obtaining an “incidental take permit” from the USFWS.

The federal agency provided the state of Maine with such a permit last year even though the state’s trapping program failed to provide sufficient protection for and minimize harm to lynx, thus violating the ESA. The permit allowed, over a 15-year period, for no more than three lynx to be killed, nine to be severely injured (but able to be rehabilitated), and 183 to be trapped with minor injuries and released.

However, very soon after the USFWS approved the permit in November 2014, two lynx were already dead via traps, forcing Maine to shut down trapping throughout the northern part of the state in early December. More than 20 other lynx are known to have been incidentally caught in traps during last year’s trapping season. More have likely

Outward physical traits that distinguish Canada lynx from their more southerly—and far more common—cousins, bobcats (*Lynx rufus*) include longer ear tufts, shorter tails, and larger, well-furred paws.



LEFT: ERIC RILEY; ABOVE: JULIANA LUZ; RIGHT: DENIS CARL ROBRIDOUX

been killed and harmed in traps, as the USFWS estimates that approximately 75 percent of trapped lynx are not reported. Trappers, as one would suspect, are loath to report trapped lynx, given that doing so could trigger further restrictions. In addition, the permit from the USFWS allows body-gripping Conibear traps, cable restraints, and foothold traps to be used in areas where lynx live.

In late August, the Maine Department of Inland Fisheries and Wildlife released new trapping regulations for the 2015 season (regulations that were the product of a collaboration with the Maine Trappers Association). Arguably as a result of evidence provided by AWI and its co-plaintiffs, the rules did reflect an effort to tighten regulations by banning the use, on or above ground level, of killer-type traps with a jaw spread of up to 8 inches unless those traps are equipped with lynx-exclusion devices.

Although these changes do represent an effort by the state to prevent lethal take of lynx, they do not go far enough. Specifically, they continue to sanction the use of some sizes of body-gripping Conibear traps (“blind sets” or killer-type traps 5x5 inches or smaller), as well as the use of foothold traps, cable restraints/snares, and rat traps, all without exclusion devices.

The new regulations also do not resolve other issues raised in the lawsuit because the permit (which was granted prior to the new regulations’ mandate of exclusion devices on some traps) is itself woefully deficient under the ESA. AWI and its co-plaintiffs assert that the USFWS violated the National Environmental Policy Act (NEPA) by failing to prepare an Environmental Impact Statement in connection with the incidental take of Canada lynx via Maine’s furbearer trapping program—a requirement under NEPA in order to properly analyze the environmental threats of such a program and the potential mitigation of such threats.

Separately from what is happening with Canada lynx in Maine, the USFWS is also currently evaluating the status of the species as a whole and deciding whether the animal should continue to be listed as “threatened” under the ESA, uplisted to “endangered,” or removed altogether from ESA protection. Although it is good that the USFWS is doing another population estimate and examining whether there is enough habitat set aside for the species, this review must be monitored closely. Canada lynx are by no means recovered, and there is no justification, therefore, for stripping them of needed protections under the ESA. 🐾

COURT DEALS BLOW TO WIND ENERGY PERMITS TO HARM EAGLES

The US District Court for the Northern District of California, on August 11, struck down a decision by the US Fish and Wildlife Service (USFWS) to allow wind energy developers to obtain 30-year permits to accidentally kill or injure (“take”) bald and golden eagles (see *AWI Quarterly*, winter 2014). Judge Lucy Koh ruled that the USFWS failed to provide adequate justification for extending the take permits from 5 to 30 years without first preparing an environmental impact statement or an environmental assessment, as the National Environmental Policy Act requires. AWI opposed the 30-year permits, as they would mean less monitoring of harm to eagles and potentially weaker efforts at mitigation. On October 9, the USFWS filed notice that it intends to appeal the ruling. 🐾

OIG Opts for Anemic Audit of Wildlife Services

AWI IS GRAVELY DISAPPOINTED in the outcome of the review of the federal Wildlife Services program by the USDA Office of Inspector General (OIG). The OIG took up the investigation after members of Congress requested it—but promptly punted on any in-depth analysis. The audit observes merely that Wildlife Services complies with federal and state laws and that the OIG offers “no findings or recommendations.” Although some accountability issues were noted, the OIG audit skirts any meaningful analysis of Wildlife Services’ cruel methods and excessive use of lethal control, killing of companion and other nontarget animals, financial waste, and threat to public safety. See www.awionline.org/content/usda-wildlife-services to learn more about the myriad animal welfare concerns and other problems ignored by the OIG. 🐾

CITES Animals Committee Convenes in Israel

OVER 200 WILDLIFE EXPERTS from around the world met in Tel Aviv in late August/early September at the 28th meeting of the Animals Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The discussion covered trade in hippopotamuses, long-tailed macaques, polar bears, and African lions, as well as various snake, bird, shark, ray and other species. Kenya indicated its intent, at the next Conference of the Parties in September 2016, to propose the Appendix I listing of the African lion, whose numbers have plummeted due to habitat loss, conflicts with humans, disease, and trophy hunting.

Meeting participants also discussed proposed improvements to the CITES Review of Significant Trade (RST) process, which evaluates the legality of trade in CITES Appendix II species (for which trade is allowed, but regulated). Controversially, the polar bear was removed from the RST, but with a recommendation that all range states establish cautious export quotas for populations that are depleted or where data on population status are lacking.

A new review process to evaluate the legality of trade in captive animals was proposed, given concerns about the fraudulent trade in “captive-bred” animals who are taken from the wild and traded using falsified documents. AWI’s wildlife biologist, D.J. Schubert, actively participated



African lions relax on a rutted road. Kenya says it will seek a prohibition on commercial trade of this species at the next CITES meeting.

in deliberations about the international trade in snakes—trade that is likely unsustainable (and inhumane) for a number of species. Several meeting reports noted that illegal trade in particular snake species was occurring. Nevertheless, the reports recommended legalizing such trade—a dangerous precedent.

Importantly, CITES Secretary-General John Scanlon, in his opening remarks, challenged CITES parties to strengthen consideration of animal welfare issues in international trade of live wildlife. AWI and other like-minded organizations intend to use these remarks as a springboard to expand discussion of animal welfare within CITES. 🐾

Rancher Who Illegally Sent 1,800 Horses to Slaughter Skates Free

COLORADO RANCHER and livestock hauler Tom Davis spent close to \$18,000 to purchase approximately 1,800 horses from the Bureau of Land Management's (BLM) Wild Horse and Burro Program from 2008 to 2012, telling the BLM that the horses would be sold to families as pets. Instead, he sent nearly all of them to Mexico to be slaughtered, making a hefty profit of over \$150,000.

In addition, the BLM spent over \$140,000 in taxpayer dollars delivering the horses to Davis and did not follow the law or their own policies while managing the animals.

Specifically, the agency failed to limit horse sales and ensure that horses went to good homes in order to prevent an individual such as Davis from selling them off to slaughter.

Unfortunately, the decision whether to prosecute Davis rested with the US Attorney's Office for the District of Colorado and the Conejos County District Attorney's Office; they declined to do so. They have also decided not to prosecute the veterinarian who submitted false statements certifying the health of the horses, enabling Davis to carry out his operation.

After facilitating such a sickening miscarriage of justice, the BLM announced that it will now limit horse sales to a maximum of four horses over a six-month period to a single buyer. 🐾

AWI ANNOUNCES 2015 CHRISTINE STEVENS WILDLIFE AWARD GRANTEES

The *Christine Stevens Wildlife Award* is a grant program named in honor of AWI's late founder and president for over 50 years. Each year, the program provides grants of up to \$10,000 to support innovative and creative research on humane, nonlethal tools and techniques for wildlife conflict management and improved methods of wildlife study. With this grant program, AWI aims to honor Christine's legacy and inspire a new generation of compassionate wildlife scientists, managers and advocates. The 2015 grantees are as follows:

Dr. Brian Darby of the University of North Dakota:

Noninvasive Methods to Track and Monitor Polar Bears by Genotyping Shed Hairs. During the day, polar bears create resting beds. Dr. Darby will genotype hair, naturally shed in the beds, to determine polar bear health and habits—a noninvasive method that does not disturb the bears.

Pieter Folkens of the Alaska Whale Foundation: *Reducing Suffering and Increasing Effectiveness During Entangled Whale Rescue Responses.* Disentangling whales from nets and fishing gear is difficult and can cause them injury. Mr. Folkens will be testing new tools, which are designed to ease removal and minimize collateral injury.

Kristine Inman of the Wildlife Conservation Society:

Creating Safe Pathways with Wildlife Friendly Fencing. Fencing can block natural migration patterns and cause injury to wildlife, particularly the large ungulates in Montana. Ms. Inman will be collaborating with the ranching community to identify fences that pose the greatest hazard and will test innovative wildlife-friendly fencing.

Dr. Mary Beth Manjerovic of the Lincoln Park Zoo:

Validating the Use of an Innovative, Noninvasive Technique to Monitor Amphibian Health and Stress. Traditional methods for measuring amphibian health and stress are invasive and potentially harmful. Dr. Manjerovic will be testing a new method, which only requires a skin swab.

Dr. Christine Sheppard of the American Bird Conservancy:

Improving Standards for Testing Bird Collision Reduction Measures for Glass. Every year, countless birds die in collisions with buildings and glass. There is a current lack of humane and effective methods for testing bird-friendly glass. Dr. Sheppard will be testing the effectiveness of a more humane method to test these glass samples. 🐾



CHRISTOPHER MICHEL

USFWS UNDERMINES RED WOLF RECOVERY



THERE HAS BEEN A

significant reduction in gunshot mortality of red wolves over the last year, ever since coyote hunting was restricted in the wolves' North Carolina habitat as a result of legal action taken by AWI and allies. Nevertheless, the red wolf remains in dire need of the protections guaranteed to listed species under the Endangered Species Act (ESA). Recent detrimental actions by the US Fish and Wildlife Service (USFWS)—the federal agency tasked with oversight of red wolf recovery—however, indicate that the agency is abandoning its commitment to the successful reintroduction of the species. Therefore, on September 1, AWI, Defenders of Wildlife, and

the Red Wolf Coalition notified the USFWS of an intent to sue the agency over its mishandling of the recovery effort.

Among other things, over the last two years the USFWS has provided permits to kill two red wolves, at least one of whom was a female exhibiting denning behavior (indicating that she was pregnant or currently had pups somewhere). This wolf had previously contributed four litters to the population. While the law allows the USFWS in some instances to provide a permit to kill a red wolf, it can only do so in instances where it is deemed absolutely necessary—such as in direct defense of human life, pets, or livestock. Private property owners may also harass red wolves to get the animals to leave their property, provided that the methods used are not lethal or physically injurious to the

animals. Additionally, a red wolf may be killed only “after efforts by project personnel [from the USFWS] to capture the wolf have been abandoned” and permission is obtained in writing from the project leader or biologist.

It is this “efforts abandoned” clause that the USFWS has grasped onto as an excuse for these permits, claiming that it provided the landowners with permission to kill these red wolves only because the landowners would not allow the USFWS to come onto their property to relocate the wolves elsewhere.

In summary: The USFWS claims it wants to relocate the wolves. The landowners refuse access to their lands. And the agency feels its only choice at that point is to issue the kill permits? That does not sound like an agency intent on furthering red wolf conservation. Certainly, it does not indicate much of an effort to save these particular wolves. Even worse, the USFWS has not been able to cite any problem or offending behavior from the animals in question. Expending such paltry effort to preserve the life of a breeding female who was not known to be causing problems, in fact, might be considered the exact opposite of reasonable efforts to recover the species.

At the same time, the USFWS suddenly started quoting a total population of 50–75 red wolves in North Carolina—an abrupt and unexplained decline from the previously quoted 90–110 individuals. And, in addition to giving out permits to kill red wolves in the face of estimates that—if true—would indicate that the population was in a more precarious position than previously supposed, the USFWS also announced that it would cease reintroductions of wolves into the recovery area until the agency is able to assess the “feasibility of recovery” for the species.

Red wolf reintroductions—specifically, pup cross-fostering—have been a crucial part of keeping the population at the status quo for the last 25+ years. Wolves will sometimes die not only due to gunshot, but also from other causes such as mange or vehicle strikes. Bringing in red wolf pups bred in facilities such as the Point Defiance Zoo and Aquarium in Tacoma, Washington, helps offset some of these losses. Personnel would place the zoo-bred pups in dens with other pups, enabling a wild mother to adopt them, thus contributing to the population’s overall numbers each year. Also, in the past, private landowners who wanted red wolves on their property could work with the USFWS and participate in the conservation program. This has been the case for some farmers, in particular, who feel that the wolves scare off and prey on species such as nutria that would otherwise destroy their crops.

It appears that the USFWS, for reasons unknown, has decided to ignore the hundreds of thousands of comments that it has received in support of the red wolf



recovery program from local landowners and citizens all over the country, and instead implement a slow death for the program simply because the North Carolina Wildlife Resources Commission—which apparently exists solely to serve hunters and trappers—wants the program to go away. The antagonism toward red wolves is especially frustrating given that red wolves—smaller, shier, and more elusive than gray wolves—tend not to get mixed up in human-wildlife conflicts, preferring instead to steer well clear of humans and their livestock.

Through the notice of intent to sue, AWI and its allies have given the USFWS 60 days to remedy these problems, or face a lawsuit. Specifically, the notice requests that the agency immediately stop granting permits for landowners to kill red wolves on private land. It also requests that the USFWS conduct a status review of the species, as is required under the ESA every five years. The most recent one was done in 2007.

There is hope for these wolves—they are resilient—but whether the agency tasked with their recovery is also resilient remains to be seen. A population of 50–75 can bounce back in the same way that the original 14 red wolves reintroduced into North Carolina in 1987 were able to grow to 130 by 2006. However, in order to do this, they need the oversight of a USFWS committed to complying with the ESA and recovering an imperiled species, rather than one that is apparently hell-bent on bowing to a state agency in the thrall of special interest groups. 🐾

AWI and partners have developed a website to help educate the public about and increase support for red wolves. Please visit www.thetruthaboutredwolves.com for more information.

Milt Kaufmann

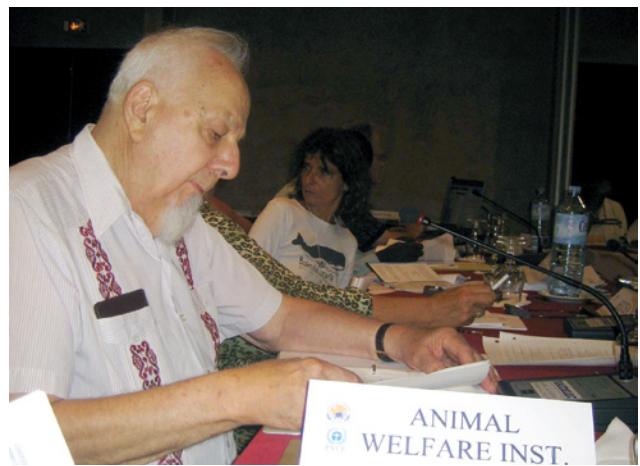
COLONEL MILTON M. KAUFMANN died on October 29, 2015, aged 97. For the last 40+ years, he had been a dedicated and hard-working volunteer conservationist, locally in his Maryland neighborhood and internationally, most notably in the Caribbean. AWI has long had a relationship with Milt, as he was affectionately known, throughout that time. Milt and AWI's founder, Christine Stevens, both attended the Plenipotentiary Conference to Conclude an International Convention on Trade in Certain Species of Wildlife in early 1973, where the text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was finally agreed to after a three-week meeting. A famous photograph of that meeting shows Milt front and center—a position that very much symbolizes his presence on the world conservation stage for the next several decades.

AWI's Tom Garrett, another environmental legend, spent much time with Milt, plotting ways to promote their conservation agenda domestically and overseas. Tom met Milt in 1971 when Milt had just retired from a 30-year career in the US Air Force and was fighting a pier proposed for the Assateague, Maryland, seashore. They went on to collaborate in a host of ways—from advocating for dolphins at meetings of the Inter-American Tropical Tuna Commission to drafting text for the US Endangered Species Act (Tom attributes the requirement for species recovery plans to Milt) and for the Cartagena Convention's Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol), which was initially drafted in Milt's basement.

Milt founded Monitor Consortium USA in 1972, a coalition of dozens of wildlife conservation and animal welfare groups, and later Monitor International, which evolved into the still-active Monitor Caribbean. In 1981 Milt founded the Wider Caribbean sea turtle conservation program, WIDECAST, which thrives today (see *AWI Quarterly*, spring 2006).

Milt retired from conservation work several times but always came back for just “one more meeting.” Among his colleagues, Milt was gently jibed over the number of retirements—and parties—he had had, only to resurface at a later date.

I met Milt in 2004, during another Milt resurgence from retirement. Then a research assistant working on marine issues, I gladly agreed to be mentored by Milt in the ways and people of the SPAW Protocol. A long friendship with Milt, his wife Sabina, and daughter Luana, ensued. (Sabina, an artist and herself an extraordinary woman, died in 2014, 10 days shy of her 100th birthday.) I attended many Cartagena Convention and SPAW Protocol meetings with Milt and



PHOTOS/AWI

Top: Milt in action, in one of his trademark guayabera shirts.

Bottom: Milt, flanked by AWI's Serda Ozbenian and Susan Millward prior to a meeting in Guatemala. Milt took his work very seriously but also knew how to enjoy life's simple pleasures.

spent a lot of time, like Tom before me, plotting and drafting in Milt's basement. Meetings were usually tense, not least because Milt was quite deaf (he later had a cochlear implant, which helped) and I had to pay attention to the back and forth of often complex discussions, while translating into Milt's personal microphone or scribbling notes to him. One-on-one meetings with Milt were rather amusing as he, not able to hear himself, would shout, even when he was conducting “discrete” negotiations. Because of his personality though, Milt was accepted and even treasured by those subjected to his shouting, nagging and badgering until they saw things his way. Milt was charming, witty, mischievous and an all-around delight to be with, which, along with his tenacity, made him an excellent activist.

Milt's last Caribbean meeting was in Antigua in 2008 when he was awarded the honorific title of “Friend and Senior Advisor Emeritus of the Caribbean Environment Programme.” I now sit on the board of Monitor Caribbean, and through AWI, continue to work on implementation of the SPAW Protocol. The work is still vital, but the meetings are far duller without my dear friend Milt. 🐾

—by Susan Millward

Crush Video Perpetrator Convicted

ON SEPTEMBER 8, the US Attorney's Office for the Southern District of Texas announced that Ashley Nicole Richards pleaded guilty to five counts of producing and distributing crush videos that depicted the torturing and killing of dogs and cats. Richards, along with Brent Justice, was originally arrested on state cruelty charges in August 2012; both were transferred to federal custody that November for the first prosecution under the new crush video law passed in 2010. (A previous federal statute criminalizing the commercial production, sale, or possession of depictions of cruelty to animals was struck down by the US Supreme Court on First Amendment grounds.) The crush video charges were dismissed after the district court cited constitutionality issues with the new law, as well. This time, however, the 5th Circuit Court of Appeals overturned the lower court's ruling, and the US Supreme Court affirmed. At her sentencing in December, Richards faces up to 7 years in federal prison on each count, as well as a \$250,000 fine. She is currently serving 10 years on the state charges. Her accomplice continues to face state and federal charges and remains in jail. 🐾

NEW JERSEY STRENGTHENS DOG FIGHTING LAWS

After a years-long effort by animal advocates, dog fighting is now an offense under New Jersey's racketeering statute. The new law (S 736) creates two new crimes: "dog fighting," which has also been added to the list of offenses under the state's anti-racketeering law, and "leader of a dog fighting network." The crime of dog fighting covers both fighting and baiting, which is defined to mean "to attack with violence, to provoke, or to harass a dog with one or more animals" for purposes of training, or causing a dog to engage in dog fighting. Moreover, a number of activities fall under the definition of "dog fighting," including keeping a place to be used for dog fighting, owning or training dogs for fighting, witnessing the fighting or baiting of dogs, or gambling on a dog fight. Those convicted of any of these offenses are subject to prison terms of 3–5 years. Those convicted of these offenses under the racketeering statute face 5–10 years. In addition, the dogs may be forfeited and the offenders required to pay the costs of their care. 🐾

AMTRAK EXPANDS "PETS ABOARD" SERVICE

After a successful trial run in Illinois, Amtrak is expanding its Pets Aboard service to certain Northeast Corridor routes. Passengers may bring their cat or small dog with them on most Northeast Regional trains between Boston, Massachusetts, and Norfolk, Virginia, and on Downeaster trains between Boston and Maine. There are a number of restrictions: Reservations are required and there is a limit of five pet reservations per train. There is a limit of one pet per passenger. The pet must be in a carrier and must be able to be placed under the seat. There is a \$25 surcharge. The total trip can be no longer than seven hours and the pet must remain confined while on the train. Amtrak's policy regarding unrestricted travel for service animals remains unchanged. For additional information about Amtrak's pet and service animal policy, visit www.Amtrak.com. 🐾



THOMAS DI LUCCIO

Cats and dogs can now hop the train with their human companions along parts of Amtrak's busy Northeast Corridor. (Dogs please note: sticking one's head out of the window is not allowed.)

Wielding the Gavel Against Animal Cruelty

WHEN IT COMES TO animal cruelty cases, it is often hard to tell whether the glass is half empty or half full. Some individuals who have committed heinous acts of abuse are not even prosecuted, while others are held accountable. Although there are still far too many sad and disappointing examples of the former, instances of the latter are on the rise. Thanks to public pressure and heightened awareness of animal abuse as a serious crime in its own right and as a factor in interpersonal violence, law enforcement authorities are taking animal cruelty crimes far more seriously. Training in best practices for investigating and prosecuting these crimes is giving officials the tools they need to bring cases to court and convince judges and juries that they, too, must take this issue seriously. Although the punishment isn't always as severe as it should be, any time a court rejects the "it's only an animal" mindset, the closer we come to securing justice for all animals.

It is particularly noteworthy when top law enforcement officials publicize the successful conclusion of animal cruelty cases. In June, the US Attorney's Office in Delaware announced that an individual had been sentenced to more than seven years in prison for cocaine possession with intent to distribute, being a felon in possession of a firearm, and dog fighting. A raid of his home turned up drugs, guns, 67 pit bulls, and a large number of items associated with dog fighting. The US Attorney's office indicated that many of the dogs bore scars from fighting and that dogs who lost matches sometimes were disposed of by being shot or suffocated. Bringing this case involved the coordinated efforts of the Delaware State Police, the US Drug Enforcement Administration,



Delaware Animal Care and Control, and the US Department of Agriculture—clearly a significant investment of state and federal resources.

Last year, Virginia Attorney General Mark Herring's office successfully concluded a multi-agency, multi-jurisdiction undercover bust of a "large-scale and comprehensive" cockfighting ring based in the eastern Kentucky community of McDowell. Operators of the ring transported animals and fighting equipment between Virginia and Kentucky. An estimated \$1 million in revenue was generated from illegal gambling, entrance fees, membership fees, parking fees, sales of fighting-related items, and a restaurant, with fight spectators coming from surrounding states and beyond. On the day of the bust, over \$100,000 was seized from the home of several of the defendants.

Assistant US Attorney Randy Ramseyer and Special Assistant US Attorney/Assistant Virginia Attorney General Michelle Welch (a past recipient of AWI's Schweitzer Medal) prosecuted the case. All five defendants (which included distant cousins of the Kentucky Speaker of the House) received prison terms, ranging from 6 to 18 months, and had to forfeit substantial sums of money. During sentencing, presiding Judge James P. Jones stated, "It does not enhance the human being to inflict pain on animals. It simply doesn't. It's something that ought to stop. There is no good purpose for it, and, as the government points out, bad things happen around these types of events. ... It diminishes us as human beings to treat animals in this fashion."¹

As important as these large-scale, high-profile cases are in calling attention to the pervasive problem of animal abuse and animal fighting, they

are not the cruelty problems that occur in most communities on a regular basis. At least one state, however, has elevated the legal status of animals in these sadly all-too-routine cases of neglect and abuse, as well.

In a case cited in the *AWI Quarterly* (fall 2014), Arnold Nix of Stanfield, Oregon, was found guilty in 2009 on 20 counts of second-degree neglect after authorities seized 69 horses, goats and dogs from his farm. At the time of trial, this form of neglect was a misdemeanor in Oregon. The prosecutor argued that Nix should be sentenced on each of the 20 separate counts, with each animal treated as a separate victim. The defendant argued that livestock are property, not individuals, and that the counts, therefore, should be merged into a single conviction. The trial judge agreed and sentenced Nix to a mere 90 days in jail for a single violation of the law.

The state appealed the merger decision to the Oregon Court of Appeals and won, and the Oregon Supreme Court later affirmed the appellate court's ruling. Hence, in Oregon, animals were afforded the status of individual crime victims... or so it was thought. In a strange twist, the decision was later vacated because Oregon law at the time actually did not allow appeals of misdemeanor sentences—meaning that neither the Court of Appeals nor the Supreme Court actually had jurisdiction in *State v. Nix*. A positive result still ensued: motivated by this story, the state legislature changed the law to provide for a felony penalty for second-degree neglect involving 11 or more animals.

Moreover, a later case offered the Oregon Court of Appeals another chance to do right by animals. In *State*



KELLY

The courts in Oregon have ruled that, in cases involving abuse of multiple animals, they will be recognized as separate victims, not collective property.

v. Hess, the defendant was charged with seven counts of first-degree neglect after seven cats in her home died of severe anemia and starvation, and 38 counts of second-degree neglect with respect to the remaining cats who were found alive. Convicted on all 45 counts, the defendant argued at sentencing that all the guilty verdicts should be merged since the cats were her property and the only "victim" was the public. The trial judge disagreed on the grounds that the animal-neglect statutes were enacted to protect animals—thus making each cat an individual victim under Oregon's anti-merger law. Under the same reasoning it applied in the *Nix* case, the Oregon Court of Appeals affirmed.

As these cases show, while there are still far too many instances when animals routinely do not receive their day in court, there has been progress in how cases are handled, how the courts view animals, and, in general, in the development of animal law jurisprudence—all of which should pave the way for such outcomes becoming the norm, not the exception. 🐾

¹As quoted in an October 9, 2014, press release issued by the Office of the Attorney General for the Commonwealth of Virginia.



FARM WATCH

Pig prison: A mother pig locked in a farrowing crate. There is movement afoot in Massachusetts to get such unconscionable housing conditions banned via ballot initiative.

Massachusetts's Ballot Initiative Seeks to Limit Extreme Confinement of Farm Animals

IN MASSACHUSETTS, AWI has joined veterinarians, farmers and other animal protection groups to get some of the most extreme confinement practices on factory farms banned through a new ballot initiative. The initiative seeks to make it illegal in Massachusetts to confine egg-laying hens, calves raised for veal, and sows in a manner that does not allow them to lie down, stand up, fully extend their limbs, or turn around. The initiative would also ban the sale of products in the state from animals who are prevented from performing these modest but essential behaviors. Additionally, the initiative would provide the largest space requirements for egg-laying chickens in the country—1.5 square feet per bird, a significant leap from the industry standard of less than 0.5 square foot per bird. (Currently, the largest space requirement in the country is that of Michigan, at 1.0 square foot per bird.)

Before the initiative gets on the ballot, it must first pass through the legislature, which will do one of four things: enact it, deny it, propose a substitute, or ignore it. If it is ignored, more signatures will be required to move it forward. Should it pass, producers will have to meet the new standards by 2022. 🐾

Missing the MARC: OIG's Investigation Veers Off Target

IN SEPTEMBER 2015, the USDA Office of Inspector General (OIG) issued an interim report on its investigation into the allegations of animal abuse at the US Meat Animal Research Center (MARC) by *The New York Times* (see *AWI Quarterly*, spring 2015). The report details the OIG's attempt to determine the veracity of 33 allegations in the *Times* article. The OIG reports that it had interviewed over 30 individuals, reviewed records back to 1983, and made "significant progress towards the completion of our fieldwork on a majority of the 33 statements."

Unfortunately, instead of providing assurance that the investigation would be a thorough analysis, the report minimizes the allegations and touts how MARC adhered to rules and regulations. This effort to whitewash the problem is most glaring when the OIG notes it has not even spoken to the two key people in the *Times* article, the reporter and the veterinarian who made the primary complaint. Further, the OIG analyzed and presented data in ways to make it virtually impossible to examine the details. Granted, this is an interim report and observations may change; however, the current direction does not provide any indication that the OIG review will lead to improved care and welfare for the animals at MARC. 🐾

MCDONALD'S ADOPTS CAGE-FREE POLICY

McDonald's announced that for its US and Canadian restaurants, over the next 10 years it will transition to eggs acquired solely from producers using cage-free operations. This move applies to approximately 16,000 eateries and more than 2 billion eggs sold each year, and comes at a time when the fast food chain is expanding its menu by offering breakfast items all day. McDonald's switch to cage-free likely will hasten the transition to cage-free production throughout the industry. In fact, soon after McDonald's announcement, Rembrandt Foods, the third largest egg producer in the nation, announced that it plans to make cage-free production its standard. AWI cautiously celebrates these announcements and awaits verification from producers that the change-over is indeed taking place. 🐾

Avian Flu Procedures Underscore Industry's Indifference to Suffering

THIS YEAR, poultry producers in the United States have dealt with the worst outbreak of avian influenza in US history. Between January and June, nearly 50 million chickens and turkeys on 232 poultry operations were killed after being affected by the disease. The total economic cost of the outbreak is an estimated 4 to 5 billion dollars.

While no outbreaks have been reported since June, agricultural officials were preparing for the virus to make a comeback this fall as wild birds begin their migration south. As part of this preparation, the USDA's Animal and Plant Health Inspection Service (APHIS) identified what it considers to be acceptable methods for killing and disposing of infected birds.

To date, APHIS' only approach to avian flu has been the killing of exposed birds. In conjunction with state agricultural departments, APHIS has relied on two methods to "depopulate" flocks: carbon dioxide gas (for killing caged egg-laying hens) and water-based foam (for killing floor-reared birds, including chickens and turkeys raised for meat). Both methods are known to be painful to animals and can lead to a prolonged time until death. Water-based foam,



A killing foam spreads over a flock of chickens. Such en masse exterminations via cruel but cost-efficient means are indicative of an industry that warehouses animals and doesn't concern itself with their suffering.

which obstructs the airway so that the birds suffocate to death, is not considered an acceptable form of euthanasia by the American Veterinary Medical Association (AVMA), and the World Organization for Animal Health does not recognize it as an acceptable method of killing animals for disease control purposes.

An even more inhumane method—ventilation shutdown (VSD)—has been proposed by APHIS as a "last resort" option. With this method, producers turn off the ventilation system to remove airflow and heat the poultry houses up to 100–120 degrees Fahrenheit. The elevated temperature eventually causes the birds to die of heat stress, with death taking up to three hours to occur. The suffering inflicted by this method is undoubtedly extreme.

Although VSD has yet to be approved, it is already in use by some farmers. APHIS has made it clear that it may approve VSD—sending a clear signal that efficiency, not the welfare of birds, is its main priority. APHIS has acknowledged that VSD is not humane and also not sanctioned by any veterinary authority, but justifies its use on the basis that VSD requires no special equipment and can be carried out quickly.

The killing of millions of sentient creatures using methods known to cause prolonged distress is a moral tragedy of immense proportions. The poultry industry in the United States continues to design and construct massive complexes that confine hundreds of thousands of birds in close proximity without consideration for how the animals will be protected in emergency situations, or humanely killed if that is deemed necessary. The federal government continues to compensate producers for losses incurred during these outbreaks without requiring that the industry change the way it raises and houses animals. Everyone pays for the poultry industry's irresponsibility—consumers through higher prices, taxpayers through producer compensation programs, and the animals themselves through suffering miserable lives and cruel deaths. 🐾

PROJECT ANIMAL FARM

Sonia Faruqi
Pegasus
ISBN: 978-1605987989
336 pages; \$27.95

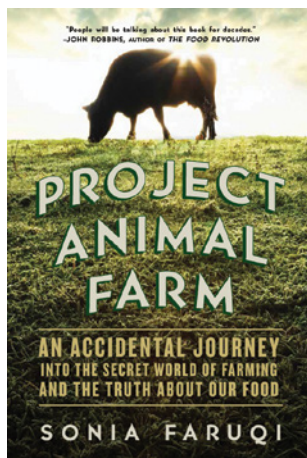
Project Animal Farm: An Accidental Journey into the Secret World of Farming and the Truth About Our Food tells the true story of Sonia Faruqi, a young investment banker who embarks on a journey—leaving her New York life behind for what she thought would be an idyllic experience on an organic farm. However, her world was turned upside down when she witnessed some common agriculture practices that are far from idyllic. As Sonia continues on her farming exploration, she sees many of the injustices suffered by farm animals—most resulting from intensive farming practices that, even on some organic farms, pay little heed to animal welfare.

The book jumps between Sonia’s personal farming expedition and facts/statistics about animal farming in the United States, Canada, and several Latin American and Southeast Asian countries. She writes of agriculture trends, labeling falsehoods, and agricultural laws and regulations from around the world.

At the end of her exploration, Sonia has an epiphany. She advocates for eight solutions—among them, a transition to large-scale pastoral farms, meaningful inspections, and accurate marketing of products—that would improve animal welfare and the environment.

While they are noble ideas, they are not particularly new. Nor does Sonia’s book provide a viable way to implement these solutions.

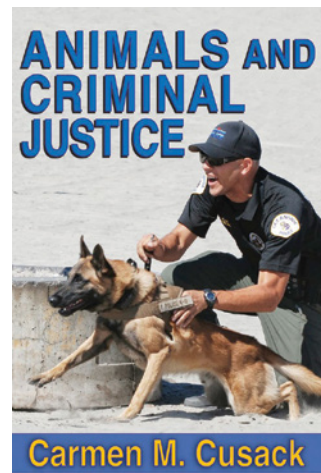
Still, *Project Animal Farm* is a valuable read for anyone interested in animal agricultural practices across the globe. Overall, the book provides a glimpse into the intricacies of several farming systems, but focuses most on the dismal world of factory farming. It does so while also sharing Sonia’s unique, heart-felt personal journey through the world of animal agriculture. 🐾



Animals and Criminal Justice

Carmen M. Cusack
Transaction Publishers
ISBN: 978-1412855969
252 pages; \$49.95

NEVER JUDGE a book by its cover—good advice. This one may lead the reader to expect a review of current trends in the treatment of animals by the criminal justice system—e.g., including pets under protection orders, responding to police shootings involving dogs, achieving more vigorous enforcement of cruelty statutes, etc.



The book is in fact something different and more philosophical. It takes the reader on a very nonlinear trip through the many manifestations of the animal-human relationship, suggesting that defining “cruelty”—for that matter, even defining “animal”—depends on the animal involved, the person involved, the circumstances, the locality, the intent of the action. The same mélange of factors influences how society responds. The book looks in some detail at how humans use and abuse animals for religious and entertainment purposes in particular, and at various other forms of mistreatment in general. In an interesting twist on its title, the book discusses the many ways animals “work”—and are trained for such work—in the criminal justice system, from police canine units and mounted police to therapeutic pet programs in prisons and dolphins who patrol our coastlines as part of the war on terror. The roles of animal control and “animal welfarists” are also examined.

Animals and Criminal Justice is not exhaustive, by any means, and its organization is a bit confusing, but it does shed light—especially for the reader new to the subject matter—on some of the complexities and contradictions inherent in animal-human interactions. 🐾

Beyond Words: What Animals Think and Feel

Carl Safina
Henry Holt and Co.
ISBN: 978-0805098884
480 pages; \$32.00

MOST PEOPLE intuitively know that animals can think, have social lives, and emotions. Yet, when people are asked to provide evidence for their convictions, they struggle. How do we adequately describe something about another species when we can hardly describe it in our own? In his new book, *Beyond Words: What Animals Think and Feel*, Carl Safina has given us this evidence, in an expansive and passionate narrative.

In this well-researched book, you are invited to join Safina on a journey, as he visits with scientists who have spent decades observing and learning about the animals around them. At each stop, evidence of the well-developed social, emotional and cognitive lives of animals is presented—not so much on our terms, but on theirs.

From Kenya to Yellowstone to Puget Sound, Safina introduces us to these scientists, describing their work not in dry scientific prose, but with a storyteller's flair. Through them, we learn about the very social and rich lives of elephants, wolves and orcas; from joy to sadness, from friendships and alliances to battles. How else can one describe the gentle heartbreak of a mother elephant using her tusks to carry her sick baby, something that has never been seen with healthy babies? How else can one describe the comeuppance a tyrannical alpha female wolf gets when she picks a fight with her meeker (but gentler and more

cooperative) sister and, instead, gets driven from the pack by a coalition of female wolves who had been at the receiving end of her despotic reign? In so many ways, the lives of the animals mirror our own.

Yet, as Safina repeatedly points out, they are not like us. They are like themselves. Their view of the world may be dramatically different than ours, but is no less rich and interesting. Safina brilliantly describes their perspectives, not as better or worse than our own—just different. An orca, using sonar pulses to navigate, communicate and locate food, creates a three-dimensional map of the dimly-lit ocean that makes it bright as day. An elephant, listening to the infrasound communication of her sister, who is

miles away, will know exactly where and when to meet up with her. A wolf determines the health of a nearby pack through scent markings to decide if she can safely move through their territory.

Understanding animals is difficult. As Safina continually describes, they are not automatons, devoid of thought and feeling, responding to behavioral cues precisely and predictably. They are individuals, learning and processing concepts in many different ways, often beyond our powers of comprehension. When we try to validate an animal's thoughts of their world, using our perspective, we do them injustice. In *Beyond Words*, Safina has written the rare book that successfully presents the

challenging scientific concepts of animal thought and communication in a manner accessible to everyone. In doing so, he has helped open our minds to a new way of looking at animals. 🐾



BEQUESTS

If you would like to help assure AWI's future through a provision in your will, this general form of bequest is suggested:

I give, devise and bequeath to the Animal Welfare Institute, located in Washington, DC, the sum of \$ _____ and/or (specifically described property).

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax-deductible. We welcome any inquiries you may have. In cases in which you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.



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Navy Ocean Noise Settlement Signals Safer Haven for Marine Life

FOR MORE THAN A DECADE, AWI has been working to stop the US Navy from using harmful active sonar in areas where it can negatively impact marine animals. Over the summer of 2015, the tide finally turned. For the first time ever, the US Navy has agreed to put important habitat for numerous marine animal populations off-limits to both mid-frequency active sonar training and testing and the use of powerful explosives.

The path to this sea change wasn't always smooth. In 2013, AWI and its co-plaintiffs sued the National Marine Fisheries Service (NMFS) in the federal district court in Honolulu for authorizing the Navy's exercises involving active sonar and explosives. In 2014, other groups filed a similar suit in California; ultimately the cases were joined. This April, the Honolulu court ruled that NMFS had acted illegally in granting the Navy permission to harm more than 60 separate populations of whales, dolphins, seals, and sea lions across the Pacific Ocean.

Armed with the ruling and wishing to avoid an appeal, AWI and its co-plaintiffs entered into settlement negotiations with

the Navy, with attorney David Henkin of EarthJustice (which represented AWI and others in the case) at the helm. After a lengthy and sometimes difficult back and forth over the summer, a settlement was finally reached. The agreement aims to manage the siting and timing of Navy activities, taking into account locations of vital importance to marine mammals, such as reproductive and feeding areas, migratory corridors, and regions in which small, resident populations are concentrated.

Until it expires in late 2018, the agreement will protect habitat for the most vulnerable marine mammal populations, including those of endangered blue whales, for whom waters off Southern California are a globally important feeding area, and numerous small, resident populations of whales and dolphins, for whom the seas around the Hawaiian Islands are their only home. We are hopeful that, given the unprecedented concession by the Navy that it can train effectively and still avoid key biologically sensitive areas, it will agree beyond 2018 to similar precautions in other areas and across the Pacific. 🐾

