



Animal Welfare Institute

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awionline.org phone: (202) 337-2332 fax: (202) 446-2131

April 17, 2020

The Honorable Wilbur Ross
Secretary, U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Via email to WLRoss@doc.gov

Dear Mr. Secretary:

On behalf of the Animal Welfare Institute (AWI), we submit this letter to request the recusal of several federal officials who may have been improperly influenced in the review of Mystic Aquarium's application to import beluga whales from Marineland. On December 2, 2019, on behalf of a large coalition of NGOs, AWI submitted comments in opposition to Mystic Aquarium's application pursuant to the Marine Mammal Protection Act (MMPA) to import beluga whales from Marineland, Ontario, Canada, for the purpose of scientific research. 84 Fed. Reg. 52,072, Regulations.gov Docket ID NOAA-NMFS-2019-0113.¹ AWI has since reviewed hundreds of documents provided by the National Marine Fisheries Service (NMFS)/National Oceanic Administration (NOAA) via FOIA DOC-NOAA-2019-001230. Based on our review of those documents, we are writing now to raise our concern about predetermined decision-making and to urge the administration to leave the Office of Protected Resources to, without undue political influence, come to a decision that is firmly supported in the law.

A number of the documents produced by NMFS demonstrate an extensive lobbying effort put forth by Mystic Aquarium, the Sea Research Foundation, and Georgia Aquarium, directed towards the upper echelons of NOAA and the Department of Commerce, before Mystic Aquarium even filed its application with NMFS. In some respects, this effort dated back to 2015.² See *Attachment A*. The lobbying effort stretched all the way up the hierarchy of the Department of Commerce to your Cabinet-level office. From the documents, we have gleaned that Mystic Aquarium, the Sea Research Foundation, and Georgia Aquarium engaged in this effort in order to expedite their permit application and gain support for the import permit, regardless of what the MMPA and its implementing regulations actually allow.

¹ AWI et. al comment letter available at <https://www.regulations.gov/document?D=NOAA-NMFS-2019-0113-9086>. While our comment letter responded to several points raised by the documents responsive to AWI's FOIA request in the context of NMFS's review of the application, two of the document productions occurred after the December 2, 2019 close of the comment period. We feel obligated to write you now, particularly in response to some of these later-received documents.

² The Office of Protected Resources and others have likely alerted you to the fact that this proposed import directly follows Georgia Aquarium's failure to secure a permit to import 18 wild-caught belugas from Russia several years ago because the science demonstrated that the captures of those belugas from the Sea of Okhotsk were unsustainable and thus import was not an option under the MMPA. See *Georgia Aquarium v. Pritzker*, 135 F. Supp. 3d 1280 (N.D. Ga. 2015). Several files from FOIA DOC-NOAA-2019-001230 demonstrate this to be the case. See *Attachment A*.

Such an extensive lobbying effort is highly unusual for the sector that encompasses captive marine mammals, and as far as we are aware, is unprecedented for an MMPA import permit for public display or scientific research. *See Attachment B*. However, it is not the extent of the lobbying effort itself that is troublesome – it is the message, the ask, and the apparent disregard for lobbying reporting requirements.

Multiple lobbying communications ask high level officials – including yourself – to disregard the MMPA and its implementing regulations in order to pave the way for this permit. *See Attachment C*. On September 8, 2017, Chicago lobbyist Robert L. Dilenschneider wrote, addressing you familiarly as “Wilbur” and requesting the following:

“... you give Steve Coan, who leads the Sea Research Foundation, a few minutes in the next week to ten days? It is likely he would bring with him Bernie Marcus and Mike Leven, both known to you. They are coming to talk about the beluga whale and the importance of rescuing³ a few of these wonderful animals from a Canadian facility. The Canadian facility is totally open to the rescue and to the whales coming to the Mystic Aquarium in Connecticut. Steve runs that facility. Right now some obscure regulation stands in the way that we know you can deal with quickly.”

Attachment C-1, Doc. 07224427033-000002. We are deeply disturbed by Mr. Dilenschneider’s suggestion, and we refer you to our detailed discussion of the applicable laws and regulations found in our Dec. 2, 2019 comment letter. **There is a major difference between advocating for a permit application, and apparently urging a Cabinet-level official to support the application regardless of the law.**

On October 18, 2017, you and former Director of Policy and Strategic Planning Earl Comstock⁴ met with Steve Coan of Mystic Aquarium and Mike Leven of Georgia Aquarium. *See Attachment D*. Nearly six weeks later, lobbyist Jason Reese requested a meeting between lobbyists from up to three separate firms and Rear Admiral Timothy Gallaudet,⁵ who had recently stepped into the roles of Acting Undersecretary of Commerce for Oceans and Atmosphere and NOAA Administrator, to

“make [him] aware of forthcoming beluga permitting request on behalf of our client, Mystic Aquarium, as well as to answer any questions he might have and hopefully earn his support, similar to that of the Secretary and Mr. Comstock.”

Attachment D-6, Document 07224415634. **If it is true that your office was favorably inclined to grant the permit before Mystic Aquarium even filed its application, this would amount**

³ Many of the lobbying communications – including this one – misrepresented Mystic Aquarium’s import request as a rescue effort. Under the MMPA, the term rescue is generally used in the context of stranded marine mammals. See Title IV of the MMPA, dedicated to Marine Mammal Health and Stranding Response, e.g. MMPA § 402, 16 U.S.C. 1421a; MMPA § 408, 16 U.S.C. § 1421f-1. While at least one import of cetaceans has occurred in the past to address urgent medical issues (*see* 70 Fed. Reg. 38,658 (July 5, 2005)) this situation would not qualify as an import for medical reasons or “rescue.”

⁴ AWI notes the recent departure of Mr. Comstock from the Department of Commerce, <https://www.usnews.com/news/top-news/articles/2020-03-02/senior-us-commerce-official-instrumental-in-pushing-huawei-curbs-to-resign-sources>.

⁵ AWI notes the changed role and title for Rear Admiral Gallaudet, now serving as Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy Administrator of the National Oceanic and Atmospheric Administration (NOAA), <https://www.noaa.gov/our-people/leadership/rdml-tim-gallaudet-phd-usn-ret>.

to unlawful predetermined decision-making. "The test for disqualification [is] whether a disinterested observer may conclude that (the agency) has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it." *Cinderella Career & Finishing Sch., Inc. v. F.T.C.*, 425 F.2d 583, 591 (D.C. Cir. 1970). AWI is gravely concerned that the Office of Protected Resources Permits Division responsible for reviewing this permit application and the public comments on it may have been ordered from the beginning to approve this permit regardless of any evidence supporting a permit rejection or denial.

Furthermore, while an abundance of lobbying occurred well before Mystic Aquarium even submitted its permit application, only some of the lobbying – particularly that by Watershed Results – appears to have been covered by lobbying registrations or reports.⁶ *See Attachment E.* Federal law requires registered lobbyists and organizations that engage in lobbying to fill out periodic reports stating the issues on which they have been lobbying on at the federal level. 2 U.S.C. § 1601 et. seq. In the interest of fairness and transparency, **AWI hereby requests that any political appointees on the receiving end of these lobbying efforts wholly recuse themselves from the decision-making process on this import permit. In particular, we ask that yourself and Rear Admiral Gallaudet, as well as his successor, Dr. Neil Jacobs, and Administrator for Fisheries Chris Oliver, all be recused from this permit review process. The Office of Protected Resources should be left to review this application without fear of retribution from political appointees for making a decision that is actually supported in the law. We request written confirmation of recusal before NMFS issues a decision on this permit.**

In closing, we encourage the Department of Commerce to not let back-door politics and inappropriate lobbying cloud the decision-making process with regard to this permit application. **We ask that this letter be included as part of the public record for review of Mystic Aquarium's application.** It is our position that all of the documents referred to in this letter, as with all documents produced in FOIA NOAA-NMFS-2019-0113, are automatically a part of the record.

Sincerely,



Georgia V. Hancock, Esq.
Of Counsel

cc:

- Peter Thomas, Ph.D., Executive Director, Marine Mammal Commission
- Senator Richard Blumenthal

⁶ After thorough research of the relevant federal databases, AWI did not find lobbying reports for work on behalf of Mystic Aquarium, the Sea Research Foundation, or Georgia Aquarium by the Dilenschneider Group Inc. (Robert L. Dilenschneider), Natural Resource Results LLC (Mitch Butler), Alinea Strategic Solutions and/or Fermont Capital (Jason Reese), despite the presence of all of these individual names and firm titles within NMFS's document productions, FOIA DOC-NOAA-2019-001230.

- Senator Chris Murphy
- Senator Cory Booker
- Senator Ed Markey
- Representative Joe Courtney
- Representative Rosa DeLauro
- Representative Jahana Hayes
- Representative Jim Himes
- Representative John Larson
- Representative Adam Schiff
- Representative Raúl Grijalva
- Shannon Bettridge, Ph.D., Division Chief, Office of Protected Resources, Marine Mammal and Sea Turtle Division
- Rear Admiral Timothy Gallaudet, Assistant Secretary of Commerce for Oceans and Atmosphere and NOAA Deputy Administrator
- Dr. Neil Jacobs, Assistant Secretary of Commerce for Environmental Observation and Prediction, performing the duties of Under Secretary of Commerce for Oceans and Atmosphere
- Mary O'Brien, NOAA Office of General Counsel
- Chris Oliver, Assistant Administrator for Fisheries
- Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs
- Brianne Szczepanek, NOAA Chief of Staff
- Donna Wieting, Director, Office of Protected Resources

Attachment No.	Attachment A		
	Document Number	Date	Description
A-1	0.7.2244.27031	2015.07.20	Email from Christina Cole to Brandon Sousa confirming a call that took place with George Mannina (Nossoman LLP lawyer who previously represented the Georgia Aquarium in Georgia Aquarium v. Pritzker), to discuss the potential import of 3 captive-born belugas from Canada into the U.S.
A-2	07224415539	2017.10.11	Email from Brianne Szczepanek (NOAA Chief of Staff) to Lindsey Kraatz (Senior Science Advisor for Mesophotic and Deep-Sea Habitats) and Emma Htun (Advisor for Regulatory Programs) concerning a memorandum to prepare Sec. Ross for upcoming meeting with Steve Coan (CEO, Mystic Aquarium) and Mike Leven (then-CEO, Georgia Aquarium), Szczepanek stated “This issue goes back to before both of you were in your current positions. GA AQ had previously applied under the MMPA to import belugas from Russia; we denied that permit, and that decision generated a lot of controversy...”
A-3	0.7.2244.15945	2018.03.21	Email amongst Office of Protected Resources and Permits Division, Amy Sloan (Deputy Chief, Permits Division) responding to Donna Wieting (Director, Office of Protected Resources), Jolie Harrison (Chief, Permits Division) and colleagues – stating “They approached us a number of years ago about importing and I believe it was when the Russian beluga stock was proposed depleted but not designated yet but need to verify. Representatives from Mystic and Georgia Aquarium more recently met with Wilber Ross in October 2017.”
A-4	0.7.2244.27150	2018.03.28	Email from Courtney Smith (Permits Division) responding to NOAA/NMFS marine mammal biologist Trevor Spradlin’s question as to whether all of the belugas were from Russia, “Yes. But some (the

			originally imported males) are from the White Sea/Barents Sea region. The large majority are from the depleted stock.” Further down in the chain Ms. Smith explained that Canada had never allowed Marineland to capture belugas from Canadian waters, “which is why they went with importing Russian animals.”
A-5	07224415712	2018.06.20	Accepted invitation for Assistant Administrator for Fisheries, Chris Oliver, to meet with Mystic Aquarium and Georgia Aquarium
A-6	07224427252; attached voicemail 07224427252- 000001.wav can be heard at https://awionline.org/sites/default/files/uploads/A%20-%2007224427252-000001.wav	2018.07.10	Email regarding a voicemail from lobbyist Greg Schildwachter (Watershed Results) to Amy Sloan (Deputy Chief, Permits and Conservation Division), Schildwachter spoke of wanting to get hold of an appropriate contact within Canada to ask about “comity and whether or not they could back up our ‘backfilling issue’ on the Mystic beluga whale permit possibility.”
	Attachment B		
B-1	0.7.2244.15985	2018.03.23	Email from Amy Sloan (Deputy Chief, Permits and Conservation Division) to Mary O'Brien (NOAA Office of General Counsel), and Dr. Shannon Bettridge (Division Chief for the Office of Protected Resources, Marine Mammal and Sea Turtle Division), "Mystic Aquarium has requested a meeting the week of April 2 with Sam R, Donna, and myself to discuss the import of beluga whales from Marineland of Canada, which may include animals from the depleted Sakhalin Bay-Nikolaya Bay-Amur River Stock in the Sea of Okhotsk in Russia."
B-2	0.7.2244.15985- 000001	2018.04.03	Redacted Briefing Memorandum
B-3	0.7.2244.10115	2018.07.23	Email from Rod Vierra (NOAA Office of General Counsel Deputy Section Chief for Protected Resources and Habitat) to Mary O'Brien (NOAA Office of General Counsel), noting Mystic met with Sam Rauch (Deputy Assistant Administrator for

			Regulatory Program), and Donna Wieting (Office of Protected Resources Director) in May, following the October meeting with the Secretary of Commerce.
B-4	0722445088	2018.12.14	Email from Donna Wieting (Director, Office of Protected Resources to Courtney Smith (Permits Division), regarding the Office of Protected Resources - Permits Office receipt of draft application from Mystic, "Given the elevation of this issue to political please schedule briefing for me with Amy [Sloan] before we get back to Mystic;"
	Attachment C		
C-1	07224427033-000002	2017.09.08	Letter from Chicago lobbyist Robert L. Dilenschneider to Sec. "Wilbur" Ross, requesting "... you give Steve Coan, who leads the Sea Research Foundation, a few minutes in the next week to ten days? It is likely he would bring with him Bernie Marcus and Mike Leven, both known to you. They are coming to talk about the beluga whale and the importance of rescuing a few of these wonderful animals from a Canadian facility. The Canadian facility is totally open to the rescue and to the whales coming to the Mystic Aquarium in Connecticut. Steve runs that facility. Right now some obscure regulation stands in the way that we know you can deal with quickly. This is a win-win for everyone—America, Canada, Mystic Aquarium, Sea Research Foundation, thousands of young children who will benefit from understanding whales and their culture and, of course, the beluga whales."
	Attachment D		
D-1	0.7.2244.27045	2017.10.12	Email chain amongst Office of Protected Resources, Permits Division, and other NOAA staff re: draft memo for Sec. of Commerce in preparation for meeting the following week with Steve Coan, CEO of Mystic Aquarium and Mike Leven, CEO of Georgia Aquarium, re: the import

			of/"rescue" of beluga whales from a Canadian facility
D-2	07224415634-000001	2017.10.18	Document entitled "REQUEST FOR ASSISTANCE WITH DISPLAY OR RESEARCH PERMIT TO ACQUIRE BELUGA WHALES FROM MARINELAND CANADA," Presented to the United States Secretary of Commerce The Honorable Wilbur Ross By GEORGIA AQUARIUM AND MYSTIC AQUARIUM
D-3	07224415326	2017.10.18	Email from Chris Oliver to Donna Wieting (Director, Office of Protected Resources), Jon Kurland (Assistant Regional Administrator, Alaska Region), Alesia Read (Senior Advisor to the Assistant Administrator), Emma Htun (Advisor for Regulatory Programs), Jolie Harrison (Chief, Permits and Conservation Division), and Brianne Szczepanek (NOAA Chief of Staff), stating, "Sorry folks, but urgent request for info from SOC. He is meeting in 15 minutes with some folks from a Canadian aquarium who have some beluga whales they want to transfer to the Mystic Aquarium in Connecticut. Apparently they want to know right now what the general permitting process is, and whether we have been involved in this....?!?!? Who is our permitting lead and how can we get that person in contact with Earl Comstock in the next 15 minutes???"
D-4	07224415577	2017.10.19	Alesia Read (Senior Advisor to the Assistant Administrator) replied all to the email in Attachment D-3, stating, "Brianne had the memo and provided it - We were able to scramble and get Amy Sloan up to answer Chris's questions about process, all PR folks are in GARFO for PR Board but Jolie was on chat so helped us get Amy."
D-5	07224415628	2017.11.29	Email from Brianne Szczepanek (NOAA Chief of Staff) noting "The general issue of importing endangered species for public display can be a lightning rod," and recommending that the requested meeting with Fermont Capital "be delegated to

			NMFS, particularly if these folks already met with DOC.”
D-6	07224415634	2017.11.30	<p>Lindsey Kraatz (Senior Science Advisor for Mesophotic and Deep-Sea Habitats) forwarding to Alesia Read (Senior Advisor to the Assistant Administrator), Emma Htun (Advisor for Regulatory Programs), Brianne Szczepanek (NOAA Chief of Staff), lobbyist Jason Reese's email (jreese@fermontcapital.com) to Michael Weiss (NOAA Deputy Chief of Staff) - "Thanks so much for your response. I'm attaching a short summary from the meeting with Secretary Ross and his adviser Earl Comstock, just so that your office has the same documentation on this topic. The purpose of this meeting would be first to make Admiral Gallaudet aware of forthcoming beluga permitting request on behalf of our client, Mystic Aquarium, as well as to answer any questions he might have and hopefully earn his support, similar to that of the Secretary and Mr. Comstock. Participants (depending on precise scheduling) would be some combination of:</p> <ul style="list-style-type: none"> - Greg Schildwachter--Watershed Results (http://www.watershedresults.com) - Mitch Butler--Natural Resource Results (http://www.naturalresourcesresults.com) - Jason Reese--Alinea Strategic Solutions (https://www.linkedin.com/in/reesejason) <p>Timeframe would be sometime in December or the first half of January..."</p>
D-7	07224415638	2017.11.30	<p>Email from Emma Htun (Advisor for Regulatory Programs) to Brianne Szczepanek (NOAA Chief of Staff), Lindsey Kraatz (Senior Science Advisor for Mesophotic and Deep-Sea Habitats), and Alesia Read (Senior Advisor to the Assistant Administrator): "Hi Lindsey, I chatted a bit more with Brianne and Alan about this and we'd like to try for a different approach. We <i>would</i> suggest that RDML Gallaudet take this meeting and would be happy to provide any updates to the previous materials (the ones that</p>

			<p>Brianne sent) and provide a briefing as needed. Please let me know timing and what you need - I can follow up with you with some additional details by phone.” (Responding to Brianne's email to Lindsey: “For your situational awareness, here is the memo that Emma worked on with OPR for the Comstock meeting with Mystic and Georgia Aquariums on this same issue. This may be useful context as you discuss with Michael.”)</p>
E	Query of LDA Database for Mystic Aquarium	2020.04.16	Query of LDA Database for Mystic Aquarium showing that only Watershed Results LLC reported its participation

Attachment A

From: Christina Cole - NOAA Federal <christina.a.cole@noaa.gov>
Sent: Monday, July 20, 2015 4:09 PM
To: Brandon Sousa - NOAA Federal
Cc: Jolie Harrison - NOAA Federal; Amy Sloan - NOAA Federal; Perry Gayaldo - NOAA Federal; Heather Coll - NOAA Federal; _NMFS PR Taskers; Jennifer Skidmore - NOAA Federal
Subject: Re: Reaching out to George Mannina re: captive beluga whales

Hi Brandon:

I wanted to confirm that the call with George Mannina took place as scheduled at 11:00 this morning. Please let me know if you need any further information.

Thank you.

Christina

On Mon, Jul 13, 2015 at 4:43 PM, Brandon Sousa - NOAA Federal <brandon.sousa@noaa.gov> wrote:
Thanks Christina. Next Monday should be fine, though it would be good if you reach out to Mannina to schedule soon so that he doesn't come back to NMFS leadership in the meantime.

Best,
Brandon.

On Mon, Jul 13, 2015 at 4:39 PM, Christina Cole - NOAA Federal <christina.a.cole@noaa.gov> wrote:
Hi Brandon:

Could you let me know the time frame by which the call should take place? Due to Crucial Conversations training, the soonest we might be able to get the relevant personnel together would be next Monday, July 20th. Would that be all right, or should the call take place this week?

Thanks!

Christina

On Mon, Jul 13, 2015 at 4:24 PM, Brandon Sousa - NOAA Federal <brandon.sousa@noaa.gov> wrote:
Hi OPR -- George reached out for a quick call to Eileen and Sam last week. We want to redirect him to speaking with you, since you all are the experts on these issues and he has technical questions that are best for you to answer.

Here's the situation. Mannina's clients are looking at 5 currently captive beluga whales. Two of the whales are already captive in the United States, apparently after having been imported (not sure if we've ever imported belugas from abroad... this may be misinformation and you'll need to clarify with Mannina). 3 currently captive beluga whales are in Canadian aquariums and were born in captivity.

Here are George's questions:

1.) For the 2 whales captive in the United States, what would be required to move them to a new location? Would another import permit be required here?

2.) For the 3 Canadian whales, what would the process be to import these into the United States? What does Mannina need to do?

These are broad, preliminary questions on a complex permitting process. We think it would be best if OPR arranges a call with Mannina during which you can learn more about what he's asking and any key pieces of information you would need, and try to answer his questions. Can you please arrange that call and let me know when it occurs?

I'm sure you have his contact information, but here it is in case:

George J. Mannina, Jr.

Attorney at Law
NOSSAMAN LLP
1666 K Street, NW, Suite 500
Washington, DC 20006
gmannina@nossaman.com
T [202.887.1400](tel:202.887.1400) F [202.466.3215](tel:202.466.3215)
D [202.887.1491](tel:202.887.1491)

Thank you --
Brandon.

--

Brandon D. Sousa, J.D.

Special Assistant (Regulatory Programs)
NOAA Fisheries
U.S. Department of Commerce
Office: [301.427.8498](tel:301.427.8498)
Mobile: [843.729.9418](tel:843.729.9418)
brandon.sousa@noaa.gov
www.nmfs.noaa.gov



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Christina Cole

Special Assistant
Office of Protected Resources
NOAA Fisheries
U.S. Department of Commerce
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Christina.A.Cole@noaa.gov



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Brandon D. Sousa, J.D.

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Christina Cole

Special Assistant

Office of Protected Resources

NOAA Fisheries

U.S. Department of Commerce

Office: (301) 427-8409

Christina.A.Cole@noaa.gov



From: Brianne Szczepanek - NOAA Federal <brianne.szczepanek@noaa.gov>
Sent: Wednesday, October 11, 2017 5:00 PM
To: Lindsey Kraatz - NOAA Federal
Cc: Emma Htun - NOAA Federal
Subject: Re: Action: Due 10:30am 10/16 - Memo for Sec. regarding upcoming mtg with Steve Coan and Mike Leven

This issue goes back to before both of you were in your current positions. GA AQ had previously applied under the MMPA to import belugas from Russia; we denied that permit, and that decision generated a lot of controversy.

Emma - can you please task this out? PR should have a lot of materials to pull from on this topic. If you have access to Brandon's and Celeste's (can't remember which) emails/files, there also should be helpful info there.

On Wed, Oct 11, 2017 at 4:51 PM, Lindsey Kraatz - NOAA Federal <lindsey.kraatz@noaa.gov> wrote:
Dear Emma and Brianne,

We have been informed that the Secretary will be having a meeting with Steve Coan, President and CEO of the Mystic Aquarium, and Mike Leven, CEO Georgia Aquarium, regarding rescuing Beluga whales on Oct. 18th from 3:15-3:45 pm.

DOC is requesting a meeting memo (template attached). Our deadline to NOAA HQ is 10 :30am on Monday, 10/16.

I have also included the letters that Mr. Coan and Mr. Leven have sent to the Secretary on this issue. Additionally, I have attached the memo that was sent up when Mr. Coan met with the Secretary in August. It may be good to remind the Secretary of this meeting in his memo.

Thank you for your help and please let me know if you have any questions.

Best,
Lindsey



Lindsey Kraatz, Ph.D.
Program Coordination Officer
Office of the NOAA Administrator
Lindsey.Kraatz@noaa.gov
(w): (202) 482-1172
(c): (240) 678-7958

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Brianne Szczepanek
Chief of Staff
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
work: (301) 427-8021 cell: (301)452-0051
brianne.szczepanek@noaa.gov

From: Amy Sloan - NOAA Federal <amy.sloan@noaa.gov>
Sent: Wednesday, March 21, 2018 3:12 PM
To: Emma Htun - NOAA Federal
Cc: Donna Wieting - NOAA Federal; Brianne Szczepanek - NOAA Federal; Jolie Harrison; Lindsey Kraatz - NOAA Federal
Subject: Re: Heads up Mystic Aq Fwd: intro, mtg request re beluga permit

(b)(5)

They approached us a number of years ago about importing
and I believe it was when the Russian beluga stock was proposed depleted but not designated yet but need to verify.
Representatives from Mystic and Georgia Aquarium more recently
met with Wilber Ross
in October 2017
. I have a briefing document for that
I'd like to review a
nd update
. Please let me know if you need anything else.
Thanks, Amy

Amy Sloan
Deputy Chief, Permits and Conservation Division
NMFS Office of Protected Resources, F/PR1
1315 East-West Hwy, SSMC3 Rm 13824
Silver Spring, MD 20910
Office: [301-427-8432](tel:301-427-8432)
Mobile: [301-310-1062](tel:301-310-1062)

On Wed, Mar 21, 2018 at 2:58 PM, Emma Htun - NOAA Federal <emma.htun@noaa.gov> wrote:

(b)(5)

Emma Htun
Advisor for Regulatory Programs
Office of the Assistant Administrator, 14631
NOAA Fisheries

emma.htun@noaa.gov
[301-427-8070](tel:301-427-8070)

On Wed, Mar 21, 2018 at 2:52 PM, Donna Wieting - NOAA Federal <donna.wieting@noaa.gov> wrote:
We are fine with the meeting. We have been hearing rumors but Mystic has not approached us about this import issue as far as i know.

Donna Wieting
Director, Office of Protected Resources
[301-427-8400](tel:301-427-8400) (office) [301-233-3634](tel:301-233-3634) (cell)

On Wed, Mar 21, 2018 at 2:47 PM, Brianne Szczepanek - NOAA Federal <brianne.szczepanek@noaa.gov> wrote:

Hi Emma,

(b)(5)

Brianne

On Wed, Mar 21, 2018 at 2:27 PM, Emma Htun - NOAA Federal <emma.htun@noaa.gov> wrote:
Dear OPR,

(b)(5)

Best regards,
Emma

Emma Htun
Advisor for Regulatory Programs
Office of the Assistant Administrator, 14631
NOAA Fisheries
emma.htun@noaa.gov
[301-427-8070](tel:301-427-8070)

----- Forwarded message -----

From: **William Kelleher** <william@naturalresourceresults.com>
Date: Tue, Mar 20, 2018 at 12:37 PM
Subject: RE: intro, mtg request re beluga permit
To: Emma Htun - NOAA Affiliate <emma.htun@noaa.gov>
Cc: Greg Schildwachter <greg@watershedresults.com>, Alesia Read - NOAA Federal
<alesia.read@noaa.gov>

Thank you for your help Alesia.

Emma- Greg would love to meet with Sam Rauch and Donna Weiting if you could help us facilitate this meeting we'd really appreciate it. Additionally, if Brandon Elsner is available to join we'd love to have him there as well.

As an update, Greg is helping Mystic Aquarium with their beluga whale conservation program. They are investigating an import permit similar to one issued in '06 to move whales in from a situation in Canada. He'd like to review the known issues in the case with you and your staff - we have a short list.

Do you all have any availability for a meeting either later this week or the week after next?

Best,

William K Kelleher

Watershed Results

601 13th St., NW (Suite 580)

Washington, D.C. 20005

Cell: [504-228-3212](tel:504-228-3212)

From: Alesia Read - NOAA Federal <alesia.read@noaa.gov>

Sent: Tuesday, March 20, 2018 11:51 AM

To: William Kelleher <william@naturalresourceresults.com>; Emma Htun - NOAA Affiliate <emma.htun@noaa.gov>

Subject: Re: intro, mtg request re beluga permit

Dear Mr. Kelleher -

My name is Alesia Read and I work with Chris Oliver. Thank you for your email requesting a meeting.

I am putting you in touch with Emma Htun to help facilitate a meeting with Sam Rauch (Deputy Assistant Administrator for Regulatory Programs) and Donna Wieting (Director, Protected Resources) who would be able to address the topics you'd like to discuss.

Thank you again for reaching out,

Alesia

On Tue, Mar 20, 2018 at 10:11 AM, William Kelleher <william@naturalresourceresults.com> wrote:

Hey Alesia,

I hope your having a good start to your week. Have you by chance had any time to look over your calendar to see if we can arrange a meeting to discuss this issue? Later this week or the week after next would work great.

Thanks for all of your help!

Best,

William K Kelleher

Watershed Results

601 13th St., NW (Suite 580)

Washington, D.C. 20005

Cell: [504-228-3212](tel:504-228-3212)

From: Alesia Read - NOAA Federal <alesia.read@noaa.gov>

Sent: Wednesday, March 14, 2018 6:17 PM

To: Greg Schildwachter <greg@watershedresults.com>

Cc: Brandon Elsner - NOAA Federal <brandon.elsner@noaa.gov>; William Kelleher <william@naturalresourceresults.com>

Subject: Re: intro, mtg request re beluga permit

Hi there - I will take a look at calendars and get back to you.

Thanks!

On Wed, Mar 14, 2018 at 1:38 PM, Greg Schildwachter <greg@watershedresults.com> wrote:

Got ya. Should we could begin by meeting with Sam or Donna so they can get the details for you?

Hi, Alesia, is any Chris time available the week of 2 April? Thanks. -Greg

From: Chris Oliver - NOAA Federal <chris.w.oliver@noaa.gov>
Sent: Wednesday, March 14, 2018 11:56 AM
To: Greg Schildwachter <greg@watershedresults.com>
Cc: Brandon Elsner - NOAA Federal <brandon.elsner@noaa.gov>; William Kelleher
(william@naturalresourceresults.com) <william@naturalresourceresults.com>; Alesia Read
<alesia.read@noaa.gov>
Subject: Re: intro, mtg request re beluga permit

Greg - I am literally (over)booked solid for at least the next two or three weeks. Would be glad to meet at some point. Am ccing Alesia here for scheduling.

-chris

On Wed, Mar 14, 2018 at 11:51 AM, Greg Schildwachter <greg@watershedresults.com> wrote:

Chris - I'm sure we've been acquainted before but I'm re-introducing myself as it's been awhile. After stints in the Senate and White House on Endangered Species and other wildlife and fish issues, I've been consulting and lobbying for the last 10 years or so.

I'm helping Mystic Aquarium with their beluga whale conservation program. They are investigating a import permit similar to one issued in '06 to move whales in from a situation in Canada. I'd like to review the known issues in the case with you and your staff - we have a short list. I presume that would be Donna Wieting and I know Amy Sloan has worked with Mystic on strandings and other matters over the years.

Could we set up a time for me to visit your office? Friday afternoon would be ideal for me. Thanks for considering. William, cc'd, can help with coordination. Regards -Greg

cell: [202-329-9493](tel:202-329-9493)
Greg Schildwachter
www.watershedresults.com

Watershed Results
[601 13th St. NW - Suite 580](#) South
Washington, DC 20005
[202-657-4330](tel:202-657-4330)
The Homer Building

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Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service/NOAA

U.S. Department of Commerce
[301-427-8000](tel:301-427-8000)

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Alesia Read, PhD

Senior Advisor

Office of the Assistant Administrator for Fisheries

National Oceanic & Atmospheric Administration (NOAA)

alesia.read@noaa.gov

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Alesia Read, PhD

Senior Advisor

Office of the Assistant Administrator for Fisheries

National Oceanic & Atmospheric Administration (NOAA)

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NOAA FISHERIES

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Brianne Szczepanek
Chief of Staff
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
work: [\(301\) 427-8021](tel:3014278021) cell: [\(301\) 452-0051](tel:3014520051)
brianne.szczepanek@noaa.gov

From: Courtney Smith - NOAA Affiliate <courtney.smith@noaa.gov>
Sent: Wednesday, March 28, 2018 4:40 PM
To: Trevor Spradlin - NOAA Federal
Cc: Jennifer Skidmore - NOAA Federal; Amy Sloan - NOAA Federal; Jolie Harrison; Mary O'Brien; Shannon Bettridge
Subject: Re: ACTION: Review of briefing memo for Mystic AQ beluga import

Yes. But some (the originally imported males) are from the White Sea/Barents Sea region. The large majority are from the depleted stock.

On Wed, Mar 28, 2018 at 4:35 PM, Trevor Spradlin - NOAA Federal <trevor.spradlin@noaa.gov> wrote:
So they are all from Russia?

On Wed, Mar 28, 2018 at 4:19 PM, Courtney Smith - NOAA Affiliate <courtney.smith@noaa.gov> wrote:
Thanks Trevor.

Of note, Marineland of Canada never had wild-captured belugas from Canadian waters. Canada denied them a capture permit, which is why they went with importing Russian animals.

On Wed, Mar 28, 2018 at 4:11 PM, Trevor Spradlin - NOAA Federal <trevor.spradlin@noaa.gov> wrote:
*** ATTORNEY/CLIENT PRIVILEGE ***

My comments/questions attached...

On Tue, Mar 27, 2018 at 1:37 PM, Jennifer Skidmore - NOAA Federal <jennifer.skidmore@noaa.gov> wrote:

Shannon and Mary,

Thank you for your comments. This is a condensed version based on Mary's suggestion that we trim the memo down. It has been cut to 3 pages including the bio for Dr. Greg Schildwachter. Donna and Amy can take the longer more detailed version to the meeting if needed for the discussion.

Please give this a review and let me know if you have any additional comments by COB tomorrow.

Thanks,
Jennifer

On Fri, Mar 23, 2018 at 5:20 PM, Amy Sloan - NOAA Federal <amy.sloan@noaa.gov> wrote:
Attorney-Client Privilege

Dear Mary and Shannon,

Mystic Aquarium has requested a meeting the week of April 2 with Sam R, Donna, and myself to discuss the import of beluga whales from Marineland of Canada, which may include animals from the depleted Sakhalin Bay-Nikolaya Bay-Amur River Stock in the Sea of Okhotsk in Russia.

(b)(5)

(b)(5)

Please review by noon Tuesday, March 27, if possible. Send comments to Jennifer and Courtney to address (please cc me and Jolie). I will be on vacation next week with limited email.

Jenn/Court, once you have addressed their comments, please send to Jolie for expedited review and cc me. After Jolie's review, please send to Travis so he can forward to F suite. The memo should go to Emma no later than Wednesday, March 28.

Much thanks everyone,
Amy

Amy Sloan
Deputy Chief, Permits and Conservation Division
NMFS Office of Protected Resources, F/PR1
[1315 East-West Hwy](#), SSMC3 Rm 13824
Silver Spring, MD 20910
Office: [301-427-8432](#)
Mobile: [301-310-1062](#)

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Jennifer Skidmore
Office of Protected Resources
Permits and Conservation Division
Phone: [301-427-8401](#)
Fax: [301-713-0376](#)

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Trevor R. Spradlin, M.Res.
Deputy Chief
Marine Mammal and Sea Turtle Conservation Division (F/PR2)
Office of Protected Resources
NOAA/National Marine Fisheries Service
Tel: [301-427-8479](#)
E-mail: Trevor.Spradlin@noaa.gov

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Courtney Smith, Ph.D.
[Principal Scientist | Contractor with Ocean Associates, Inc.](#)
Supporting:
NOAA Fisheries Service | Office of Protected Resources
[1315 East-West Highway | Silver Spring, MD 20910](#)
[Ph: 301-427-8433](#) | <http://www.nmfs.noaa.gov/pr/>

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Trevor R. Spradlin, M.Res.
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--

Courtney Smith, Ph.D.

[Principal Scientist](#) | [Contractor with Ocean Associates, Inc.](#)

Supporting:

NOAA Fisheries Service | Office of Protected Resources
1315 East-West Highway | Silver Spring, MD 20910
Ph: 301-427-8433 | <http://www.nmfs.noaa.gov/pr/>

From: chris.w.oliver@noaa.gov
To: chris.w.oliver@noaa.gov
Subject: Accepted: Mtg w/Mystic re: Beluga Permit @ Wed Jun 20, 2018 12:45pm - 1:30pm (EDT)
(chris.w.oliver@noaa.gov)
Attachments: [invite.ics](#)

Samuel Rauch - NOAA Federal has accepted this invitation.
Mtg w/Mystic re: Beluga Permit

External Attendees:

Stephen M. Coan, Ph.D., President and CEO, Mystic Aquarium
Larry Rivarde, Executive Vice President and COO, Mystic Aquarium
Greg Schildwachter, Ph.D., Watershed Results (point of contact)
cell: 202-329-9493

Proposed Agenda:

1. Depleted Status Policy Guidance.
2. Research – criteria for evaluation.
3. Criteria re: “Taking ... beyond [that] authorized by the permit” (50 CFR 216.34(a)(7)).

When

Wed Jun 20, 2018 12:45pm – 1:30pm Eastern Time

Where

14636 / Call in #: (b)(5) (Chris), (b)(5) participant) (Learn More.

From: Amy Sloan - NOAA Federal <amy.sloan@noaa.gov>
Sent: Tuesday, July 10, 2018 3:15 PM
To: Mary O'Brien; Jennifer Skidmore; Courtney Smith - NOAA Affiliate
Subject: Fwd: Voice Message from 8401 PermConsvEduMain (8401)
Attachments: Audio_Recording_S1-025854_001_compend.wav

FYI - phone message from Greg Schildwachter re: update on Mystic belgua import.

Lisa Phelps from State Dept. emailed Monday asking for information on what Greg's inquiry was about b/c he had contacted State Dept to get a Canadian contact. We are planning to brief State Dept and MMC, APHIS, FWS at the monthly Liaison meeting tomorrow.

Thanks,
Amy

Amy Sloan
Deputy Chief, Permits and Conservation Division
NMFS Office of Protected Resources, F/PR1
1315 East-West Hwy, SSMC3 Rm 13824
Silver Spring, MD 20910
Office: [301-427-8432](tel:301-427-8432)
Mobile: [301-310-1062](tel:301-310-1062)

----- Forwarded message -----

From: <8432@fisheries-mss>
Date: Tue, Jul 10, 2018 at 10:19 AM
Subject: Voice Message from 8401 PermConsvEduMain (8401)
To: amy.sloan@noaa.gov

Voice message copy

Caller: 8401 PermConsvEduMain (8401)
Duration: 01:20

To hear the voice message, play the attached recording or call your Messaging mailbox.

Messaging access number: 3014278899

A recording of the voicemail, item 07224427252-000001.wav, can be heard at <https://awionline.org/sites/default/files/uploads/A%20-%2007224427252-000001.wav>

Attachment B

From: Amy Sloan - NOAA Federal <amy.sloan@noaa.gov>
Sent: Friday, March 23, 2018 5:20 PM
To: Mary O'Brien; Shannon Bettridge
Cc: Trevor Spradlin; Jolie Harrison; Jennifer Skidmore; Courtney Smith - NOAA Affiliate; Travis Thyberg - NOAA Affiliate; Emma Htun - NOAA Federal; _NMFS PR Taskers
Subject: ACTION: Review of briefing memo for Mystic AQ beluga import
Attachments: Mystic Beluga Import Briefing_April 2018_PR1 draft.docx

Attorney-Client Privilege

Dear Mary and Shannon,
Mystic Aquarium has requested a meeting the week of April 2 with Sam R, Donna, and myself to discuss the import of beluga whales from Marineland of Canada, which may include animals from the depleted Sakhalin Bay-Nikolaya Bay-Amur River Stock in the Sea of Okhotsk in Russia.

(b)(5)

Please review by noon Tuesday, March 27, if possible. Send comments to Jennifer and Courtney to address (please cc me and Jolie). I will be on vacation next week with limited email.

Jenn/Court, once you have addressed their comments, please send to Jolie for expedited review and cc me. After Jolie's review, please send to Travis so he can forward to F suite. The memo should go to Emma no later than Wednesday, March 28.

Much thanks everyone,
Amy

Amy Sloan
Deputy Chief, Permits and Conservation Division
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BRIEFING MEMORANDUM on Importing Beluga Whales from Canada
March 23, 2018 Draft

EVENT: Meeting with Mystic Aquarium regarding import of beluga whales from
Marineland of Canada
DATE: Tuesday, April 3, 2018, 2:30 pm
ATTENDING: **Mystic Aquarium:**
NOAA:
NOAA Fisheries: Sam Rauch, Donna Wieting, Amy Sloan

(b)(5)

Rod.Vieira (NOAA GC)

From: Rod.Vieira (NOAA GC)
Sent: Monday, July 23, 2018 6:31 PM
To: Mary O'Brien - NOAA Federal
Subject: Re: Mystic Aquarium Issue

Thank you.

On 7/23/2018 10:33 AM, Mary O'Brien - NOAA Federal wrote:

(b)(5)

On Fri, Jul 20, 2018 at 1:27 PM, Rod.Vieira (NOAA GC) <rod.vieira@noaa.gov> wrote:

Oh, and I just saw your Tuesday update from May 18 in which you note that Mystic came in to meet with Sam/Donna in May and has hired some kind of consultant.

On 7/20/2018 1:25 PM, Rod.Vieira (NOAA GC) wrote:

Hi Mary,

Just curious if we've heard anything new on Mystic's potential request to import belugas from Canada. I recall that they came in to meet with the Sec. back in Oct. What's the latest since then? No need to get back to me on this today, just let me know when you're back in the office on Monday. Thanks.

-Rod



Jennifer Skidmore - NOAA Federal <jennifer.skidmore@noaa.gov>

Fwd: Aquarium wanting a beluga?

Courtney Smith - NOAA Affiliate <courtney.smith@noaa.gov>
To: Jennifer Skidmore - NOAA Federal <jennifer.skidmore@noaa.gov>

Fri, Dec 14, 2018 at 2:07 PM

----- Forwarded message -----

From: **Courtney Smith - NOAA Affiliate** <courtney.smith@noaa.gov>
Date: Fri, Dec 14, 2018 at 1:51 PM
Subject: Re: Aquarium wanting a beluga?
To: Donna Wieting - NOAA Federal <donna.wieting@noaa.gov>

Will do.

On Fri, Dec 14, 2018 at 1:46 PM Donna Wieting - NOAA Federal <donna.wieting@noaa.gov> wrote:
Given the elevation of this issue to political plz schedule briefing for me w amy before we get back to mystic. Thx

Sent from my iPhone

On Dec 14, 2018, at 1:37 PM, Courtney Smith - NOAA Affiliate <courtney.smith@noaa.gov> wrote:

Hi Donna,

Apologies, just missed this email. As mentioned on the phone, the draft application was submitted November 16.

On Fri, Dec 14, 2018 at 1:31 PM Donna Wieting - NOAA Federal <donna.wieting@noaa.gov> wrote:
When did we receive this?

Sent from my iPhone

On Dec 14, 2018, at 1:18 PM, Courtney Smith - NOAA Affiliate <courtney.smith@noaa.gov> wrote:

We have received a draft permit application from Mystic Aquarium to import belugas for scientific research purposes and are providing a courtesy review before they formally submit.

On Fri, Dec 14, 2018 at 12:52 PM Donna Wieting - NOAA Federal <donna.wieting@noaa.gov> wrote:

I'll bet it is the marine land issue where does that stand?

Sent from my iPhone

On Dec 14, 2018, at 11:31 AM, Courtney Smith - NOAA Affiliate <courtney.smith@noaa.gov> wrote:

Hi Travis,

Without more details other than this, the inquiry could either be about one of two things:

The non-releasable Cook Inlet beluga whale, Tyonek, currently at SeaWorld of Texas. He is being held under the MMHSRP research permit until a final decision is made on a scientific research/enhancement permit to be issued to SeaWorld. The permit decision is expected this week. OR

Mystic Aquarium has been consulting with NMFS OPR and members of Congress about the potential import of beluga whales currently held for public display at Marineland of Canada in Ontario. The majority of belugas at Marineland were captured (or progeny of) from the now-MMPA depleted Sakhalin Bay-Amur River population of beluga whales in Russia.

Courtney

On Fri, Dec 14, 2018 at 11:19 AM Travis Thyberg - NOAA Affiliate

<travis.thyberg@noaa.gov> wrote:

Hi all, quick request (meeting at 1pm)

Can anybody help out with this info?

I just got an inquiry from downtown wanting to know more about a beluga issue. They have heard that there is an aquarium that wants a beluga. Do you know anything about this? I need to know before a 1pm meeting.

Let me know,
Thanks

----- Forwarded message -----

From: **Emma Htun - NOAA Federal** <emma.htun@noaa.gov>

Date: Fri, Dec 14, 2018 at 11:15 AM

Subject: Aquarium wanting a beluga?

To: Donna Wieting - NOAA Federal <donna.wieting@noaa.gov>,

Catherine Marzin - NOAA Federal <catherine.marzin@noaa.gov>

Cc: Jolie Harrison <jolie.harrison@noaa.gov>, Travis Thyberg - NOAA

Affiliate <travis.thyberg@noaa.gov>, _NMFS PR Taskers

<pr.taskers@noaa.gov>

Dear PR,

I just got an inquiry from downtown wanting to know more about a beluga issue. They have heard that there is an aquarium that wants a beluga. Do you know anything about this? I need to know before a 1pm meeting.

Thanks,
Melanie (for Emma)

Emma Htun
Advisor for Regulatory Programs
Office of the Assistant Administrator, 14631
NOAA Fisheries
emma.htun@noaa.gov
301-427-8070

--

Travis Thyberg
PROD Special Assistant
Contractor with Ocean Associates, Inc.

Office of Protected Resources
U.S. Department of Commerce
Office: 301-427-8409
Travis.Thyberg@noaa.gov
<http://www.fisheries.noaa.gov/>



NOAA FISHERIES

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Courtney Smith, Ph.D.

[Principal Scientist | Contractor with Ocean Associates, Inc.](#)

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Courtney Smith, Ph.D.

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Attachment C

The Dilenschneider Group

September 8, 2017

VIA E-MAIL

The Honorable Wilbur Ross
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear ~~Mr. Secretary~~: Wilbur:

Would you give Steve Coan, who leads the Sea Research Foundation, a few minutes in the next week to ten days? It is likely he would bring with him Bernie Marcus and Mike Leven, both known to you.

They are coming to talk about the beluga whale and the importance of rescuing a few of these wonderful animals from a Canadian facility.

The Canadian facility is totally open to the rescue and to the whales coming to the Mystic Aquarium in Connecticut. Steve runs that facility.

Right now some obscure regulation stands in the way that we know you can deal with quickly.

This is a win-win for everyone—America, Canada, Mystic Aquarium, Sea Research Foundation, thousands of young children who will benefit from understanding whales and their culture and, of course, the beluga whales.

Can we call in the next few days to see what time works best?

Best regards,



Robert L. Dilenschneider

RLD:llg

The Dilenschneider Group, Inc.
The Chrysler Building, 405 Lexington Avenue, 57th Floor
New York, NY 10174
212 922 0900 (fax 212 922 0971)

Attachment D

From: Jennifer Skidmore - NOAA Federal <jennifer.skidmore@noaa.gov>
Sent: Thursday, October 12, 2017 11:43 AM
To: Amy Sloan - NOAA Federal
Subject: Re: URGENT Fwd: ACTION: 3pm FRI 10/13 - Memo for Sec. re: Mystic and Georgia Aquarium
Attachments: Memo for DOC re_Mystic&Georgia Aquarium meeting.docx

(b)(5)

See revised draft.

Jenn

On Thu, Oct 12, 2017 at 11:28 AM, Jennifer Skidmore - NOAA Federal <jennifer.skidmore@noaa.gov> wrote:
Attached is the draft.

Jennifer

On Thu, Oct 12, 2017 at 9:27 AM, Amy Sloan - NOAA Federal <amy.sloan@noaa.gov> wrote:

Jenn,

This is a quick turnaround. Could you please write the first draft using the template memo for the request below and send to me by noon today?

Mary, I'll review what Jenn sends and then send that to you for review by 1pm. I'll need to get this to Catherine by tomorrow morning.

Thanks,
Amy

----- Forwarded message -----

From: **Emma Htun - NOAA Federal** <emma.htun@noaa.gov>

Date: Wed, Oct 11, 2017 at 9:23 PM

Subject: ACTION: 3pm FRI 10/13 - Memo for Sec. re: Mystic and Georgia Aquarium

To: Donna Wieting - NOAA Federal <donna.wieting@noaa.gov>, Catherine Marzin - NOAA Federal <catherine.marzin@noaa.gov>, Heidi Kutcher - NOAA Affiliate <heidi.kutcher@noaa.gov>, _NMFS PR Taskers <pr.taskers@noaa.gov>, Jolie Harrison - NOAA Federal <jolie.harrison@noaa.gov>, Amy Sloan <amy.sloan@noaa.gov>

Cc: Shannon Bettridge - NOAA Federal <shannon.bettridge@noaa.gov>, Trevor Spradlin - NOAA Federal <trevor.spradlin@noaa.gov>

Dear OPR,

We have been informed that the Secretary will be having a meeting next week with Steve Coan, President and CEO of the Mystic Aquarium, and Mike Leven, CEO Georgia Aquarium, regarding the import of/"rescue" of Beluga whales from a Canadian facility.

My understanding is that in the past, there was a lot of controversy when we denied an MMPA permit from Georgia Aquarium to import belugas from Russia - and that OPR (hopefully) has a lot of material on at least the regulation on imports in question. Maybe we can pull from that.

Action: Meeting memo for DOC/Secretary (template attached)

Deadline: 3p Friday, 10/13

Attached is a template for the meeting memo. Also attached is an example of a previous meeting memo GARFO did when Mystic met with Sec Ross earlier on monuments (you can pull Coan's bio from there). And the letter from who I assume is Steve Coan's attorney/lobbyist, which provides some more information on the meeting request.

Best regards,
Emma

Emma Htun
Office of the Assistant Administrator, 14631
NOAA Fisheries
emma.htun@noaa.gov
[301-427-8070](tel:301-427-8070)

--

Jennifer Skidmore
Office of Protected Resources
Permits and Conservation Division
Phone: [301-427-8401](tel:301-427-8401)
Fax: [301-713-0376](tel:301-713-0376)

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Jennifer Skidmore
Office of Protected Resources
Permits and Conservation Division
Phone: 301-427-8401
Fax: 301-713-0376

**REQUEST FOR ASSISTANCE WITH DISPLAY OR RESEARCH PERMIT
TO ACQUIRE BELUGA WHALES FROM MARINELAND CANADA
Presented to the United States Secretary of Commerce**

**The Honorable Wilbur Ross
By
GEORGIA AQUARIUM AND MYSTIC AQUARIUM
October 18, 2017**

Mystic Aquarium and Georgia Aquarium, two of the nation's leading 501c3 non-profit marine science organizations, are seeking approval from NOAA's National Marine Fisheries Service to bring up to ten beluga whales currently housed at MarineLand Canada in Niagara Falls, Ontario into the United States.

We are requesting a one-time display or research permit for this transfer directed through NOAA's National Marine Fisheries Service (NMFS). This transfer would allow captive-born belugas from the MarineLand facility to cross the US border for the purposes of beluga conservation, education, and research.

It is our firm requirement that this acquisition promote beluga conservation in both the captive and wild populations. We are aware of the National Marine Fisheries Service declaration that Russian populations of beluga whales are threatened and therefore protected under the Marine Mammal Protection Act. We are also aware that the National Marine Fisheries Service has expressed concern that Marineland Canada could continue to wild catch belugas and import them to Canada.

The animals that we are seeking to acquire from the population of approximately 45 at Marineland are captive born and therefore should be eligible for transfer to the United States under the Marine Mammal Protection Act.

Utilizing either a display or research permit to acquire belugas from Marineland Canada, Mystic Aquarium and Georgia Aquarium are seeking to:

- Acquire captive born animals that cannot be returned to the wild
- Build the population and gene pool of the existing United States beluga whale population which has dwindled to 29 animals for the purpose of protecting the species and continuing the powerful impact that these animals have on public engagement with marine mammal conservation;
- Continue to advance the scientific body of knowledge related to these animals so that we can advance animal care and conservation efforts for endangered beluga whale populations, including the Cook Inlet and St. Lawrence Seaway populations.

Chris Oliver - NOAA Federal

From: Chris Oliver - NOAA Federal
Sent: Wednesday, October 18, 2017 3:08 PM
To: Donna Wieting - NOAA Federal; Jon Kurland; Brianne Szczepanek - NOAA Federal; Alesia Read; Emma Htun - NOAA Federal; Jolie Harrison
Subject: urgent info request

Sorry folks, but urgent request for info from SOC. He is meeting in 15 minutes with some folks from a Canadian aquarium who have some beluga whales they want to transfer to the Mystic Aquarium in Connecticut. Apparently they want to know right now what the general permitting process is, and whether we have been involved in this....?!?!? Who is our permitting lead and how can we get that person in contact with Earl Comstock in the next 15 minutes???

-chris

--

Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service/NOAA
U.S. Department of Commerce
301-427-8000

From: Alesia Read <alesia.read@noaa.gov>
Sent: Thursday, October 19, 2017 7:01 AM
To: Emma Htun - NOAA Federal
Cc: Brianne Szczepanek - NOAA Federal
Subject: Re: urgent info request

Brianne had the memo and provided it - We were able to scramble and get Amy Sloan up to answer Chris' questions about process, all PR folks are in GARFO for PR Board but Jolie was on chat so helped us get Amy. The whole thing was way too fast as Earl called maybe 10/15 mins before the meeting was happening and then Chris called him back but I do not think he reached him. Brianne - anything to add?

Long term- I don't know if this is something we could ask Jocelyn, Julie or other about- we are certainly not able to set up the Secretary for success if we are unaware of meetings. Someone has to do his calendar - right and be thinking to ask for information to prepare for meetings, right?

Sent from my iPhone

On Oct 18, 2017, at 11:05 PM, Emma Htun - NOAA Federal <emma.htun@noaa.gov> wrote:

Wow - I am hoping that one of you was able to provide the memo I sent along to Lindsey on Mystic and Georgia and the beluga issue (last week I believe) before this meeting happened? It sounds like DOC didn't even GET the memo.

Thank you,
Emma

On Wed, Oct 18, 2017 at 8:17 AM Jon Kurland - NOAA Federal <jon.kurland@noaa.gov> wrote:

This is not an Alaska Region issue (much as we love belugas!) so I'll defer to Jolie's shop.

On Wed, Oct 18, 2017 at 11:07 AM, Chris Oliver - NOAA Federal <chris.w.oliver@noaa.gov> wrote:

Sorry folks, but urgent request for info from SOC. He is meeting in 15 minutes with some folks from a Canadian aquarium who have some beluga whales they want to transfer to the Mystic Aquarium in Connecticut. Apparently they want to know right now what the general permitting process is, and whether we have been involved in this....?!?!? Who is our permitting lead and how can we get that person in contact with Earl Comstock in the next 15 minutes???

-chris

--

Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service/NOAA

U.S. Department of Commerce
[301-427-8000](tel:301-427-8000)

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Emma Htun
Office of the Assistant Administrator, 14631
NOAA Fisheries
emma.htun@noaa.gov
301-427-8070

From: Brianne Szczepanek - NOAA Federal <brianne.szczepanek@noaa.gov>
Sent: Wednesday, November 29, 2017 8:47 PM
To: Lindsey Kraatz - NOAA Federal
Cc: Alesia Read - NOAA Federal; Emma Htun - NOAA Federal
Subject: Re: Beluga Whale Follow-Up

Lindsey,

The general issue of importing endangered species for public display can be a lightening rod, and my recommendation would be that this meeting be delegated to NMFS, particularly if these folks already met with DOC. Emma, can you read from Donna/Alan? I expect this would be their recommendation too.

Brianne

On Wednesday, November 29, 2017, Lindsey Kraatz - NOAA Federal <lindsey.kraatz@noaa.gov> wrote:
Dear Alesia, Emma, and Brianne,

Admiral Gallaudet was asked to take a meeting with Fermont Capital regarding the transfer of up to 10 captive-born beluga whales from a facility in Canada. Are you familiar with the group and issue listed below? It turn out them met with Sec. Ross and Earl last month.

Michael wanted to get NMFS and Chris's read on whether or not Fisheries should take this meeting. Any red flags?

Let me know what you think.

Best,
Linsey

----- Forwarded message -----

From: Michael Weiss - NOAA Federal <michael.weiss@noaa.gov>
Date: Wed, Nov 29, 2017 at 10:58 AM
Subject: Re: Beluga Whale Follow-Up
To: Jason Reese <jreese@fermontcapital.com>
CC: Invites <invites.undersecretary@noaa.gov>

Good morning Jason. Hope you are well.

Thank you for the email and voicemail.

Happy to include your request to our invites list for the Admiral, noting your meetings with the Secretary and Mr. Comstock. However, it would helpful to have additional details (short summary) regarding the matter you would like to discuss.

Please provide the information, including a time frame for which you would like to meet, to the invites email address above.

Regards,

Michael

On Tue, Nov 28, 2017 at 12:38 PM, Jason Reese <jreese@fermontcapital.com> wrote:

Michael--

Following up on the voicemail I just left, was looking to find a time to come in briefly for 5 to 10 minutes and brief Admiral Gallaudet on an ongoing effort to secure a one time display or research permit for the transfer of up to 10 captive-born beluga whales from an unstable facility in Canada.

As I mentioned, we met last month with Secretary Ross and his Chief of Policy & Strategy Earl Comstock, both of whom thought a permit would be a great idea, and we would be hopeful that Admiral Gallaudet would be similarly supportive.

The meeting participants would be myself and--depending on schedules--a couple of my colleagues, Mitch Butler and Greg Schildwachter.

Would deeply appreciate your help in finding a spot on Admiral Gallaudet's calendar.

Many thanks!

Jason Reese

Cell: [303-335-5524](tel:303-335-5524)



Lindsey Kraatz, Ph.D.

Program Coordination Officer

Office of the NOAA Administrator

Lindsey.Kraatz@noaa.gov

(w): (202) 482-1172

(c): (240) 678-7958



--

Brianne Szczepanek

Chief of Staff

National Marine Fisheries Service

National Oceanic and Atmospheric Administration

work: (301) 427-8021 cell: (301) 452-0051

brianne.szczepanek@noaa.gov

From: Lindsey Kraatz - NOAA Federal <lindsey.kraatz@noaa.gov>
Sent: Thursday, November 30, 2017 12:22 PM
To: Emma Htun - NOAA Federal; Brianne Szczepanek - NOAA Federal; Alesia Read - NOAA Federal
Subject: Fwd: Beluga Whale Follow-Up
Attachments: Beluga Position Statement revised 8 18.docx

FYI

Michael--

Thanks so much for your response.

I'm attaching a short summary from the meeting with Secretary Ross and his adviser Earl Comstock, just so that your office has the same documentation on this topic.

The purpose of this meeting would be first to make Admiral Gallaudet aware of forthcoming beluga permitting request on behalf of our client, Mystic Aquarium, as well as to answer any questions he might have and hopefully earn his support, similar to that of the Secretary and Mr. Comstock.

Participants (depending on precise scheduling) would be some combination of:

- Greg Schildwachter--Watershed Results (<http://www.watershedresults.com>)
- Mitch Butler--Natural Resource Results (<http://www.naturalresourceresults.com>)
- Jason Reese--Alinea Strategic Solutions (<https://www.linkedin.com/in/reesejason>)

Timeframe would be sometime in December or the first half of January.

Thank you for your consideration of this meeting request--if I can provide anything else to you or your team, please don't hesitate to ask.

Best--

Jason Reese

Cell: [303-335-5524](tel:303-335-5524)

From: Michael Weiss - NOAA Federal <michael.weiss@noaa.gov>
Date: November 29, 2017 at 10:58:34 AM EST
To: Jason Reese <jreese@fermontcapital.com>
Cc: Invites <invites.undersecretary@noaa.gov>
Subject: Re: Beluga Whale Follow-Up

Good morning Jason. Hope you are well.

Thank you for the email and voicemail.

Happy to include your request to our invites list for the Admiral, noting your meetings with the Secretary and Mr. Comstock. However, it would helpful to have additional details (short summary) regarding the matter you would like to discuss.

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Many thanks!

Jason Reese

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--

Michael Weiss

Office of the Under Secretary

National Oceanic and Atmospheric Administration

[202-482-5958](tel:202-482-5958) (w)

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--

Michael Weiss

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Lindsey Kraatz, Ph.D.
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(c): (240) 678-7958



From: Emma Htun - NOAA Federal <emma.htun@noaa.gov>
Sent: Thursday, November 30, 2017 5:52 PM
To: Brianne Szczepanek - NOAA Federal
Cc: Lindsey Kraatz - NOAA Federal; Alesia Read - NOAA Federal
Subject: Re: Beluga Whale Follow-Up

Hi Lindsey,

I chatted a bit more with Brianne and Alan about this and we'd like to try for a different approach. We *would* suggest that RDML Gallaudet take this meeting and would be happy to provide any updates to the previous materials (the ones that Brianne sent) and provide a briefing as needed. Please let me know timing and what you need - I can follow up with you with some additional details by phone.

Best regards,
Emma

Emma Htun
Office of the Assistant Administrator, 14631
NOAA Fisheries
emma.htun@noaa.gov
[301-427-8070](tel:301-427-8070)

On Thu, Nov 30, 2017 at 12:48 PM, Brianne Szczepanek - NOAA Federal <brianne.szczepanek@noaa.gov> wrote:

Lindsey,

For your situational awareness, here is the memo that Emma worked on with OPR for the Comstock meeting with Mystic and Georgia Aquariums on this same issue. This may be useful context as you discuss with Michael.

Brianne

On Thu, Nov 30, 2017 at 12:22 PM, Lindsey Kraatz - NOAA Federal <lindsey.kraatz@noaa.gov> wrote:
FYI

Michael--
Thanks so much for your response.

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Date: November 29, 2017 at 10:58:34 AM EST

To: Jason Reese <jreese@fermontcapital.com>

Cc: Invites <invites.undersecretary@noaa.gov>

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brianne.szczepanek@noaa.gov

Attachment E

Registrant Name	Client Name	Filing Type	Amount Reported	Date Posted	Filing Year
Watershed Results LLC	Mystic Aquarium	REGISTRATION		01/14/2019	2019
Watershed Results LLC	Mystic Aquarium	FOURTH QUARTER REPORT	\$30,000.00	01/21/2020	2019
Watershed Results LLC	Mystic Aquarium	FIRST QUARTER REPORT	\$30,000.00	04/08/2019	2019
Watershed Results LLC	Mystic Aquarium	FIRST QUARTER REPORT	\$30,000.00	04/14/2020	2020
Watershed Results LLC	Mystic Aquarium	SECOND QUARTER REPORT	\$30,000.00	07/16/2019	2019
Watershed Results LLC	Mystic Aquarium	THIRD QUARTER REPORT	\$30,000.00	10/22/2019	2019
Registrant Name	Client Name	Filing Type	Amount Reported	Date Posted	Filing Year