

§ 3.109

subpart. Such practices shall be conducted under the supervision of a marine mammal caretaker who has a background in marine mammal husbandry and care. Training of marine mammals shall be done by or under the direct supervision of experienced trainers without physical punishment or abuse being used or inflicted upon the marine mammals.

§ 3.109 Separation.

Marine mammals which are not compatible shall not be housed in the same enclosure. Marine mammals shall not be housed near animals that would cause them stress or discomfort, or interfere with their good health. Captive marine mammals must be given access to other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention.

§ 3.110 Veterinary care.

(a) Newly acquired marine mammals shall be isolated from resident marine mammals until such newly acquired marine mammals can be reasonably determined to be in good health. Any communicable disease condition in a newly acquired marine mammal must be remedied before it is placed with other resident marine mammals.

(b) Any primary enclosure containing a marine mammal with an infectious or contagious disease shall be cleaned and sanitized in the manner prescribed by the attending veterinarian. No additional animals shall be introduced into the primary enclosure prior to such cleaning and sanitizing procedures. Any marine mammal exposed to a diseased animal shall be isolated for observation for an appropriate period of time as determined by the attending veterinarian.

(c) Temporary holding facilities with adequately and properly designed pools, tanks, restraining devices or primary enclosures shall be provided for isolation, medication, treatment, and other purposes such as transfer and

9 CFR Ch. I (1-1-00 Edition)

training of marine mammals. The pools, tanks and primary enclosures may be less than minimum size in both lateral dimensions and depth when used in special situations when prescribed by the professional staff for temporary usage.

(d) A complete necropsy must be conducted by or under the direct supervision of a veterinarian on all marine mammals that die in captivity. A necropsy report must be prepared by the veterinarian listing all pathologic lesions observed and giving the apparent cause of death. All diagnostic tests conducted on post mortem specimens shall be listed in the report, and the results of each test recorded. The management of the facility, at which the marine mammal died, must maintain these necropsy records for a period of 3 years and present them to Department inspectors when requested.

[44 FR 36874, June 22, 1979, as amended at 54 FR 36163, Aug. 31, 1989]

§ 3.111 Swim-with-the-dolphin programs.

Swim-with-the-dolphin programs shall comply with the requirements in this section, as well as with all other applicable requirements of the regulations pertaining to marine mammals.

(a) *Space requirements.* The primary enclosure for SWTD cetaceans shall contain an interactive area, a buffer area, and a sanctuary area. None of these areas shall be made uninviting to the animals. Movement of cetaceans into the buffer or sanctuary area shall not be restricted in any way. Notwithstanding the space requirements set forth in § 3.104, each of the three areas required for SWTD programs shall meet the following space requirements:

(1) The horizontal dimension for each area must be at least three times the average adult body length of the species of cetacean used in the program;

(2) The minimum surface area required for each area is calculated as follows:

(i) *Up to two cetaceans:*