



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 3900.41H
ASN (RD&A)
10 OCT 2018

SECNAV INSTRUCTION 3900.41H

From: Secretary of the Navy

Subj: ACQUISITION, TRANSPORT, CARE, AND TREATMENT OF NAVY
MARINE MAMMALS

Ref: (a) 16 U.S.C. §1361 *et seq.*
(b) 10 U.S.C. §7524
(c) 7 U.S.C. §2131 *et seq.*
(d) SECNAVINST 3900.38C
(e) SECDEF memo Use of Marine Mammals for National Defense
Purposes of 1 Dec 1986

1. Purpose. To revise policies and procedures governing the acquisition, transport, care, and treatment of Navy marine mammals by, within, or for the naval establishment. This is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 3900.41G.

3. Applicability. This instruction applies to all personnel, both military and civilian, of the Department of the Navy (DON) and to all projects that involve the acquisition, transport, care, and treatment of Navy marine mammals.

4. Definitions

a. The term "marine mammal" as defined in reference (a), and implemented through reference (b), includes those specimens of the following orders: Cetacea (whales, dolphins, and porpoises) and Pinnipedia (seals and sea lions).

b. The term "take" is defined in reference (a), and implemented through reference (b), is limited to the collection of wild marine mammals for national defense purposes.

c. The term "humane" as defined in reference (a), and implemented through reference (b), in the context of the taking,

transporting, or treating of a marine mammal means the method which involves the least possible degree of pain and suffering practicable to the mammal involved.

5. Background

a. Reference (b) grants the Secretary of Defense authority to authorize the taking of not more than 25 marine mammals each year for national defense purposes. This authority applies without regard to the provisions of reference (a) with concurrence from the Secretary of Commerce and after consultation with the Marine Mammal Commission.

b. Reference (c) establishes minimum requirements for the care and treatment of Navy marine mammals. Reference (d) provides basic policy on the humane care and treatment of laboratory animals used for research, development, test, and evaluation.

c. References (d) and (e) delegate authority to execute reference (b) to the Office of the Assistant Secretary of the Navy (Research, Development and Acquisition).

6. Organization

a. The Deputy Assistant Secretary of the Navy for Expeditionary Programs and Logistics Management (DASN (ELM)), is designated to act as the coordinator for the Secretary of the Navy in carrying out Navy-Marine Corps responsibilities. In that capacity, he or she will establish DON policy, and will provide liaison with the Departments of Agriculture, Commerce, Interior, and other outside agencies as needed for issues relating to Navy marine mammals.

b. The Chief of Naval Operations, Director, Expeditionary Warfare (OPNAV (N95)) are designated as the lead sponsor and capabilities manager respectfully for operational marine mammal systems (MMS). OPNAV (N95) shall ensure that the provisions of this instruction are complied with by fleet activities.

c. The Space and Naval Warfare Systems Center, Pacific (SSC Pacific) is designated as the lead laboratory for all Navy-sponsored programs that involve the acquisition, transport, care, and treatment of Navy marine mammals. Acting for DASN (ELM), SSC Pacific will:

(1) Ensure that all personnel engaged in the acquisition, transport, care, and treatment of marine mammals, and any other activities involving Navy marine mammals will adhere to the provisions of this instruction.

(2) Act as the principal naval point of contact for liaison with the regulatory and other outside agencies on administrative issues regarding Navy marine mammal acquisition, transport, care, treatment, and transfer.

(3) Appoint and maintain a senior scientist, for animal care to oversee a program of care for all Navy marine mammals in conjunction with the Institutional Animal Care and Use Committee and, in coordination with the Navy Bureau of Medicine and Surgery, Director of Veterinary Affairs, to review and approve all research in which Navy marine mammals are involved, regardless of funding source.

(4) Ensure that all Navy marine mammals receive the highest quality of humane care and treatment consistent with all applicable laws and regulations.

d. The Public Affairs Office of the Space and Naval Warfare Systems Center, Pacific is the release authority for information on Navy-sponsored MMS and programs, coordinated as necessary with OPNAV (N95), Commander, Space and Naval Warfare Systems Command, and the Chief of Information. Fleet units to which Navy marine mammals are temporarily assigned, such as for exercise participation, are not authorized to release information without prior approval of the SSC Pacific Public Affairs Office.

7. Policy

a. Navy marine mammals will be provided the highest quality of humane care and treatment. In case of a conflict between standards in references (b), (c), (d), and subparagraph 6c of this instruction, that standard providing the highest level of care and treatment will be used.

b. Navy marine mammals under the DON cognizance will be acquired, treated, transported, and transferred in full accordance with appropriate Federal laws and regulations.

8. Responsibility. All activities conducting, administering, or sponsoring applicable work with Navy marine mammals, as defined in paragraph 4, will:

a. Comply with this instruction and references (a) through (e); and

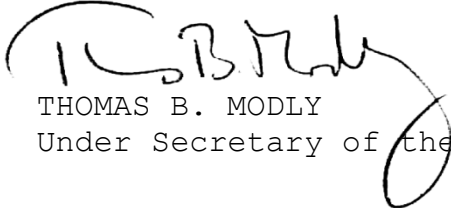
b. Forward all applications and licenses for Navy marine mammal permits and authorizations to SSC Pacific for review and technical assistance prior to the activities submitting them for approval to the appropriate agency.

9. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.


THOMAS B. MODLY
Under Secretary of the Navy

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