



IAAAM NEWS IAAAM NEWS IAAAM NEWS

Published by the **International Association for Aquatic Animal Medicine**
Volume 7, No. 1 May, June, July, Aug., 1975

DR. JESSE WHITE WAS INSTALLED PRESIDENT, AND DR. JAY HYMAN VOTED PRESIDENT-ELECT OF THE IAAAM at the conclusion of the business meeting of the 6th Annual Conference and Workshop of the IAAAM held in Amsterdam, The Netherlands, April 20-23, 1975.

Dr. Robert M. S. Temple was elected **Secretary-Treasurer**. Under the provisions of the new constitution three members were elected to the **Executive Board** for one, two, and three year terms. They are **Dr. Jay Sweeney, Dr. T. A. Gornall, and Dr. Murray Dailey, respectively. Henceforth, one member each year will be elected to a 3-year term.**

Dr. Mark C. Keyes was approved to continue as **Editor of IAAAM NEWS.**

Committees for 1975-76, as announced by President White, are as follows:

Conference Committee (Seattle, 1976)
Dr. Jay Hyman, Chairman
Dr. Mark Keyes and Dr. T. A. Gornall, Co-Hosts

Nominating Committee
Dr. T. A. Gornall, Chairman
Dr. R. M. S. Temple
Dr. Lanny Cornell
Dr. Jay Sweeney

Legislative Liaison Legality Committee
Dr. William Medway, Chairman
Dr. R. M. S. Temple
Dr. Louis Garibaldi

Public Relations Committee
Dr. George Migaki, Chairman
Dr. Ken Gray
Dr. Murray Dailey
Mr. John Prescott

Case Reports Committee
Dr. Jay Sweeney, Chairman
Dr. Andrew Greenwood
Dr. Lanny Cornell
Dr. Ken Gray
Dr. Murray Dailey
Dr. Nick Palumbo



MESSAGE FROM THE PRESIDENT — I would like to take this opportunity to thank all participants and attendees at the Amsterdam Conference for helping to make it a success. We were all extremely sorry that many of our members could not attend. The outstanding efforts of our local host **Dr. W. Dudok van Heel** was certainly appreciated.

I have formed **two new committees**, the **Legislative Liaison Legality Committee**, and the **Case Reports Committee**. Because of our nonprofit status with IRS we need to seek legal counsel regarding how the Legislative Liaison Committee should operate. In the past it has provided expert

opinion at the request of agencies of the federal government and committees of Congress. The LLC has not been dissolved but will be inactive until we have a legal determination of how it should proceed.

Many of our members have requested that more case report material be printed in the association newsletter. Therefore, I have asked the members of the Case Reports Committee to solicit and accumulate case histories from any and all sources for publication in IAAAM NEWS. Such articles would qualify as a bonifide publication to add to one's bibliography but would not preclude use of the information in more detail in a formal journal. As the case load grows, IAAAM NEWS will become a forerunner of a Journal of the IAAAM. I am asking all members to assist the committee and the editor in this effort.

The Secretary-Treasurer, Dr. Temple has been asked to obtain plaques for patron members, and to look into the availability and cost of membership plaques. Any members availability and cost of membership plaques. Any members with specific ideas in this regard are asked to forward them to me or Bob Temple.

REPEAT: CASE REPORTS ARE SOLICITED FOR PUBLICATION IN THE NEWSLETTER. THE ASSIGNED COMMITTEE MEMBERS ARE REQUESTED TO ASSIST DR. MARK KEYES IN THIS EFFORT.

Thank you,

Jesse M. White, D. V. M.
President



THE 7TH ANNUAL CONFERENCE AND WORKSHOP OF THE IAAAM will be held in Seattle, Washington, April 25-28, 1976, at the Olympic Hotel.

Special points of interest at or near Seattle include the Northwest Fisheries Center of the National Marine Fisheries Service, the University of Washington College of Fisheries, School of Oceanography, and Division of Marine Resources; the NMFS mariculture program at Manchester, the Dept. of Interior's Western Fish Disease Laboratory on Lake Washington, the Seattle Marine Aquarium (now owned by Sea World), and the Seattle Municipal Aquarium, scheduled to open in 1976, the Point Defiance Aquarium and Sea Otter Exhibit, the San Juan Island Killer Whale habitat, the Aquariums of Victoria and Vancouver, B. C., the Seattle Science Center and Woodland Park Zoo.

The President-Elect and Program Chairman, **Dr. Jay Hyman**, is now **calling for papers**. Titles and abstracts should be submitted by **December 15**.

Attendance at this conference in Seattle provides an excellent opportunity to plan **side trips to Alaska, British Columbia, Hawaii, the Orient, and Southern California.**

The Atlas World Travel Agency is conveniently located in the Olympic Hotel at 411 University Plaza, Seattle, Washington and will be putting together side trip packages for those who are interested. They can retain blocks of hotel accommodations no longer than 60 days prior to confirmed reservations so plan accordingly.

In 1977 the Conference will be held in **Boston**, Massachusetts.



NEW MEMBERS OF THE IAAAM approved by the Executive Board were Louis Leibovitz, B. S., V. M. D. **New Associate members** approved by the Executive Board were Daniel C. Laughlin, D. V. M., Stefani Hewlett, B. A., J. D. Lynch, D. V. M., Ronald J. Budz, D. V. M., James E. Antrim, B. S., Francis W. Wilder, D. V. M., Frank S. Todd, B. A., Paul H. Phenix, D. V. M., James F. Keply, B. S., E. Dabney Shackelford, M. D., Forrest G. Wood, A. B., M. S., Bruce Jaidagian, B. S., Salvatore A. Testaverde, B. A., Charles Farwell, M. S., David J. Wild, Soren Andersen, Ph. D., Rippon A. Morford, D. V. M., Blythe Russell, B. S., Ph. D.

Four applications for a change in status from associate member to member were received and approved by the Executive Board. The applications were submitted by Dr. Murray Dailey, Dr. W. H. Dudok van Heel, Dr. Louis Garibaldi, and Mr. John Prescott.



THERAPEUTIC AGENT SURVEY — Dr's Robert Gunnels, Bill Gilmartin, and Jay Sweeney of the Naval Undersea Center have been studying excretion and uptake of antibiotics and other drugs by marine mammals in captivity, and would like to hear from veterinarians in the field who have had good results with certain antibiotics and other therapeutic agents.

The results of the survey will be discussed at the annual conferences of the AAZV and the IAAAM next November and April in San Diego and Seattle, respectively. Your prompt response will be appreciated. The address is **Naval Undersea Center — Code 402, San Diego, Calif. 92132.**



JOB OPPORTUNITY — The Marine Mammal Division of the Northwest Fisheries Center has a position open for a scientist who will be in charge of marine mammal censusing and survey studies to be carried out from the Aleutian Islands north to the Arctic Ocean. The position will be at the GS-11 or 12 level (\$15,481 or \$18,463). Applications should be made to **Dr. George Y. Harry, Jr., Director, MMD, NWFC, Naval Support Activity, Bldg. 192, Seattle, Washington 98115.**



POSITION WANTED — Raymond Leigh Deiter, V. M. D. (Penn. '75) requests information of positions or projects involving marine mammals needing the services of a veterinarian. **Address — 1620 Kercher Ave., Lebanon, Pa 17042.**



CLINICAL PATHOLOGY SHORT COURSE — The University of Georgia, College of Veterinary Medicine, presents a short course in clinical pathology every fall. The U of G is now recognized as one of the leaders of universities pursuing aquatic animal medicine. For more information write to John B. Gratzek, D. V. M., Ph. D., U. of G. College of Veterinary Medicine.



THE ANNUAL CONFERENCE ON THE BIOLOGY AND CONSERVATION OF MARINE MAMMALS, formerly the Annual Conference on Biological Sonar and Diving Mammals, will be held December 4-6, 1975 at the University of California, Santa Cruz. The conference is being organized by **Dr. Kenneth S. Norris**, world authority on marine mammal biology.



THE CALIFORNIA MARINE MAMMAL CENTER has established a facility to recover injured, orphaned, diseased seals for rehabilitation and release, located at Fort Cronkhite in the Marin Headlands of the Golden Gate National Seashore. Telephone **415-561-7284 or 453-2823.** Marin Headlands Ranger Station, Bldg. 1050, Ft. Cronkhite, Cal. 94965.



SHARK ATTACKS SEA OTTER — In 1970 the Washington State Game Department transplanted 32 sea otters from the Aleutians to the northwest coast of Washington. During the summer of 1974 eight adult otters and two offspring were seen near Destruction Island by graduate students who later, about August 14, found a young adult male dead in the vicinity.

The animal was preserved by freezing and taken to Dr. Mark Keyes at the Northwest Fisheries Center in Seattle. There were numerous gashes and one that extended through the lower spine; another penetrated the chest and scapula. Imbedded in the proximal end of the right tibia was the tooth of a shark.

The otter was of normal size and weight (29 kg and 129 cm) and otherwise appeared healthy. The stomach contained remains of crustacea.

A local news service was notified of this incident but lost all interest in the story when they learned that death of the sea otter was not man caused.



OFFICERS OF THE IAAAM

Dr. Jesse R. White
11025 S.W. 173rd Terrace
Miami, Florida
PRESIDENT

Dr. J. D. Hyman
37 Montebellow Rd.
Suffern, New York 10901
PRESIDENT-ELECT

Dr. William Medway
U. of Penn., School of
Veterinary Medicine
Philadelphia, PA 19104
PAST PRESIDENT

Dr. R. M. S. Temple
5955 Stoups-Hickox
Bristolville, Ohio 44402
SECRETARY-TREASURER

EXECUTIVE BOARD Members at Large

Dr. J. C. Sweeney
Dr. T. A. Gornall
Dr. M. D. Dailey

EDITOR IAAAM NEWS

Dr. Mark C. Keyes
19903 - 92nd Ave. So.
Kent, Washington 98031



been used only as the two ends of the encirclement net were being brought together and, according to testimony by a sound expert, Dr. William Evans, of the Naval Undersea Center, made a noise of less intensity than sounds produced by the whales themselves, and at a frequency lower than the sensitive range of killer whales. The devices may repel whales because the sound is foreign to them or perhaps they don't repel whales at all. The plaintiffs had been saying that sound is amplified in water and therefore cruel, but Dr. Evans testified that only velocity of sound is increased; intensity is diminished rapidly in all directions, and that he himself had felt no discomfort when such devices were exploded in the water near to him.

Because such devices were not described in the description of capture methods contained in Seaworld's permit application the judge ruled that the permit had been improperly granted by the Department of Commerce and so he expanded the suit to name the Secretary of Commerce a defendant.

The suit was settled in a compromise before the Department of Commerce could defend this charge or challenge the court's jurisdiction in this matter at all, but the facts were that the Department of Commerce and the Marine Mammal Commission knew about the use of the seal control device in killer whale capture operations, and so did the State Game Department, well in advance of these operations. Furthermore, the description of capture methods was directed by the Department of Commerce to be general and nonspecific. However, the plaintiffs seemed to be ignoring amendments to the permit with respect to acceptable methods including the use of seine nets and breakaway hoop bridles.

The state's key witness was a Dr. Spong, a self proclaimed expert on killer whale stress in captivity; yet he could not define stress.

A fisherman witness for the plaintiffs described splashes of water occurring as the airplane flew by at a distance of a mile or so. Presumably this testimony was designed to heighten suspicions that explosives were being dropped from the aircraft. Fishermen witnesses for the defendants testified seeing whales breaching at about the same time.

The testimony of Mr. Goldsberry himself, describing the capture operations unfolded a textbook capture operation that could not be criticized from the standpoint of humaneness by the state's own game department officials.

None of the charges could have been substantiated. The state's suit was being taken apart, point by point, and it is clear that the state was going to lose, but the heroes were denied satisfaction and the state's tantrum was rewarded with a promise by Seaworld not to attempt further captures of killer whales in Puget Sound. The consequences of these events make another story.



PIER POINTS — Seal Pathologist Needed — A veterinary pathologist is needed to conduct necropsies on newborn fur seals on St. George Island in the Pribilof Islands, Alaska, from June 25 to August 15.

Humane Observer Needed — A veterinarian is needed to observe daily sealing operations on St. Paul Island in the Pribilof Islands, Alaska, from June 28 to August 1. Benefits include travel and subsistence costs plus opportunities for independent research. Contact Dr. Mark C. Keyes, NSA, Bldg. 32, Seattle, Wash. 98115; telephone, 206-442-4718.

seal



FISH FUN — A Fish Disease Workshop is being presented by the U. of Georgia. Diseases of fish will be covered in a general way, but prevention and control of infectious and noninfectious diseases will be emphasized. Extensive

consideration will be given to water quality and the maintenance of closed filtration systems and problems encountered in their maintenance. Laboratory sessions will be devoted to microscopic examination and sensitivity testing. Television tapes will be used to familiarize participants with postmortem examinations and identification of common parasites.

Fee: \$75.00 (includes banquet July 15); Preregistration: Required; Enrollment: Limited to 25. Registrants will be accepted in order of application.

Write to Dr. J. T. Mercer, Director, Continuing Education for Veterinarians, Center for Continuing Education, University of Georgia, Athens, Ga. 30602.



CLAMS AND CLATTER — Membership plaques have been ordered and should be distributed to members at the meeting.



Veterinary College Dean Featured - Dr. Leo K. Bustad, Dean, College of Veterinary Medicine, Washington State University, will be the Keynote Speaker at the 7th Annual Conference and Workshop of the IAAAM.



OFFICERS OF THE IAAAM

Dr. Jesse R. White
11025 S.W. 173rd Terrace
Miami, Florida
PRESIDENT

Dr. J. D. Hyman
37 Montebellow Rd.
Suffern, New York 10901
PRESIDENT-ELECT

Dr. William Medway
U. of Penn., School of
Veterinary Medicine
Philadelphia, PA 19104
PAST PRESIDENT

Dr. R. M. S. Temple
5955 Stoups-Hickox
Bristolville, Ohio 44402
SECRETARY-TREASURER

EXECUTIVE BOARD
Members at Large

Dr. J. C. Sweeney
Dr. T. A. Gornall
Dr. M. D. Dailey

EDITOR IAAAM NEWS
Dr. Mark C. Keyes
19903 - 92nd Ave. So.
Kent, Washington 98031



The legal staff of the Department of Commerce had been present at Congressional hearings which were the bases for the Act; they had studied the Act in great depth for three years while writing regulations to implement its provisions, and they had proceeded with great care and caution, often to the impatience of the aquarium industry, so that interpretations would be correct.

Against this comprehensive, thorough legal background, a permit to capture 4 killer whales was issued to Seaworld, Inc. These permits in actuality were reissues of state permits granted by the state but not filled, mostly because the state restricted the best capture sites.

Yet, after only a few hours of perusing the Act, the Attorney General's office filed suit charging that the terms of the Act had not been met, and the judge ruled that the permit had been improperly issued.

Neither charge was valid, but without giving the defense a chance to prove it the whales were ordered released. Two witnesses for the defense had been called to testify. The state game department agent Dennis Ohlde, and the Department of Commerce's chief enforcement agent in the northwest, Wayne Lewis. No other witnesses were permitted, including the principals being charged.

Agent Ohlde had boarded the capture vessel at Carr Inlet, 10-15 miles south of the Narrows Bridge, the northern boundary of open waters in the south sound. When asked about this distance by the Deputy Attorney General, Malachy Murphy, he was not sure but thought it was at least 3 miles. Murphy then charged that Ohlde had not done his duty by not inquiring if the capture vessel had begun "herding" the whales north of the Narrows. This line of questioning was irrelevant for two reasons; first, it is not possible to "herd" killer whales. When you crowd them they dive and come up in the opposite direction, and they will continue this evasive action as long as they are pursued too closely. The plaintiffs were ignorant of usual killer whale behavior during capture operations. The second reason the question was irrelevant is that an agent must witness a violation before he can bring charges. Officer Ohlde was not aboard the vessel as it responded to a fisherman's report of killer whales in Carr Inlet.

Under direct questioning by the judge, Officer Ohlde was obviously intimidated and could not put into words the kinds of inhumane acts on the part of Seaworld he was prepared to halt. Obviously, Seaworld would itself do nothing to harm animals that would be a great asset only if they were unharmed. The judge then charged Ohlde with not having standards of humaneness, and being untrained and unprepared to carry out his assignment. The judge, no expert on humane treatment of killer whales himself, was willing to pass judgement on another person's qualifications in this regard.

The judge then employed a more curious tactic, a line of questioning leading the witness to draw a conclusion. Judge Sharpe asked Ohlde to consider the description of capture methods in Seaworld's permit application, and he read to Ohlde, "the whales will be allowed to enter an inlet and then a net is dropped to seal off the entrance." The judge asked Ohlde if Seaworld had done this and the answer was "no." "Would you say then that Seaworld had complied with the terms of the permit," asked the judge, and Ohlde, obviously intimidated, said "no." The judge did not read on in the description of capture methods, "The whales are then encircled with nets." The capture operation had bypassed step 1 and gone to direct encirclement, but that did not mean they had not used methods described.

Further attempts were made to discredit Officer Ohlde and the State Game Department by charges that he had not read Seaworld's permit prior to the hearing and therefore could not have enforced its provisions. This was unfair because Ohlde's supervisor had read the permit and had given him all the instructions needed for his part of the enforcement assignment.

Judge Sharpe ordered the whales released, he said because of the threatening weather, without allowing testimony by the principal defendants. A proper remedy to the weather problem would have been to allow moving of legal whales to the aquarium and releasing the remainder. This remedy was granted right away by the 9th Circuit Court of Appeals Judge Wright.

The foregoing hearings and rulings took place on Friday the 12th of March. Two whales were transferred to the Seattle Marine Aquarium on the 14th and 15th, measured and sexed by federal whale biologists and marine mammal veterinarian on the 16th. On Friday, March 19, jurisdiction was remanded back to Judge Sharpe, and a hearing was called that afternoon.

The plaintiffs called for immediate release of the whales saying they were being kept in unhealthy quarters and they were under emotional stress being separated from their "family group."

The defense called one witness, Dr. Mark C. Keyes, Veterinary Medical Officer for the Department of Commerce. He testified that the whales occupied quarters that had been used successfully to acclimate killer whales to captivity many times in the past. One stranded whale had been rescued and nursed back to health in these quarters. Keyes testified that although the temporary quarters did not meet the specifications for permanent quarters, they were ideal for handling the animals during this period of acclimatization. Keyes also vouched for the competence of Seaworld's veterinarians, Dr. Lanny Cornell and Dr. Thomas Gornall.

Malachy Murphy, counsel for the plaintiffs charged another impropriety on the part of Seaworld and the Federal Government. He said they should have determined the sex of the animals before they were taken from the water. Keyes countered that no person should be expected to swim under a killer whale in his own element and palpate their genital tracts as Murphy charged they should have done. This exchange was just one more example of the plaintiff's lack of knowledge and understanding with regard to reasonable and practical requirements with respect to humane capture, transport, care and handling of marine mammals. Besides, there were no size or sex limitations so far as the University's permit was concerned, and it was understood that the University would receive at least two whales that did not meet the specifications of the Seaworld permit.

With regard to the whales rejoining a family group if released now or later, Keyes said he didn't regard this group as a family group because there was no prominent male nor any young. "If there had been a prominent male and this was his family pod, he would have remained in the area," Keyes said.

On the 12th of March Judge Sharpe had scheduled a hearing for Monday the 22nd for the defendants to show cause why their permit should not be permanently revoked. On Friday the 19th, at the conclusion of Keyes' testimony the judge ruled that the Monday hearing would go forward as a full hearing even though he had a day earlier told defense attorneys the Monday hearing would be preliminary without witnesses. Now the defense had to scramble Saturday and Sunday to prepare briefs and transport witnesses on very short notice. It seemed like a deliberate attempt to render the defense unprepared. But at least the judge ruled that the whales were in no immediate danger and did not need to be released at the time.

The Attorney General had charged that Seaworld had harassed the whales during capture and this was prohibited by the Act. The Attorney General apparently did not understand wild animal capture and that some harassment is necessary and that the permit provides for such harassment.

Spokesmen from the Governor's office and Attorney General's office were quoted by the media as charging that airplanes were used to buzz the whales and that depth charges were dropped from airplanes and that speed boats were used to herd the whales.

On Monday and Tuesday of the hearings the defense produced witnesses who refuted these charges. Two fishermen in separate boats, the pilot of the plane and his passenger all testified that the plane under hire by Seaworld never flew lower than 300-500 feet except to land, and dropped nothing from the aircraft at any time. A Greenspace airplane did, however, fly low over the captured whales and dropped flowers. There were some speed boats in the area but these were engaged in herring fishing operations and not part of the whale capture team.

The firecrackers or seal control devices were found to have