

# Georgia Aquarium loses court battle and won't be getting beluga whales

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A girl reacts to the water splash made by a beluga whale at the Hakkeijima Sea Paradise aquarium-amusement park complex in Yokohama, Japan, July 21, 2015. Photo: AP/Shuji Kajiyama

ATLANTA, Ga. — The Georgia Aquarium cannot import 18 whales from Russia, a federal judge ruled this week.

The aquarium sued the National Oceanic and Atmospheric Administration (NOAA) in September 2013. The government agency had refused to grant the aquarium a permit to import the beluga whales. U.S. District Judge Amy Totenberg now says that the agency followed the law.

The 1972 Marine Mammal Protection Act forbids the capture of marine mammals in U.S. waters. Also, U.S. citizens may not capture them at all anywhere in the world. The law generally does not allow marine mammals to be brought into the United States. There are some exceptions, including one that allows animals to be imported for public display, such as at an aquarium.

## **Other Aquariums Back Out**

Aquarium officials were reviewing the decision, Georgia Aquarium spokeswoman Jessica Fontana said.

The government agency, known as NOAA Fisheries, is pleased with the judge's ruling, spokeswoman Connie Barclay said.

The aquarium argued that NOAA Fisheries did not have a good reason to keep it from importing the whales. It said the whales are needed to strengthen the gene pool of beluga whales in U.S. aquariums. Many of the whales in the United States are related, which increases the chances of birth defects and disease. The aquarium also said the whales are needed for research.

The 18 belugas are from the Sea of Okhotsk in northern Russia. They were collected by scientists there in 2006, 2010 and 2011. They currently live in the Utrish Marine Mammal Research Station in Russia. Some of the whales would have lived at the Georgia Aquarium. Others would have been loaned to aquariums in Chicago, Illinois, and Connecticut. Sea World facilities in Florida, Texas and California originally planned on taking in some of the whales. But the company said it had told the Georgia Aquarium that it no longer wanted them.

## **NOAA Says It Is Protecting Whales**

According to the law, whales cannot be brought to the United States if it would have a bad effect on other whales where they were caught. In denying the permit, NOAA Fisheries said the aquarium did not show that whales in the Russian sea would be safe. It did not prove that importing the whales would not have a negative impact on the other whales in the area where the 18 belugas were captured. The agency said that by allowing the belugas to be imported, even more belugas would likely be captured there in the future and sold.

NOAA Fisheries also said some of the whales were too young when they were captured. They may have still been nursing, which is against the law.

The aquarium responded, saying that none of these claims are true. It said it studied the whale population in the area and found that the young whales were independent of their mothers by the time of capture.

## **Aquariums May Try Again**

NOAA Fisheries said that there were problems with the information Georgia Aquarium had collected, which it called "troubling." It also said that no information existed about the actual size and safety of the whale population in the Russian sea, Totenberg wrote in her 100-page decision.

NOAA Fisheries has said its decision applies only to the request by the Georgia Aquarium. Other requests to import belugas could be approved if they follow the requirements.