

## Investigative and Enforcement Services

USDA, APHIS, IES  
4700 River Road, Unit 85  
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## Settlement Agreement

<b>RESPONDENT:</b>	
<u>1<sup>st</sup> Address</u> Seward Association For the Advancement of Marine Science P.O. Box 1329 Seward, AK 99664	<u>2<sup>nd</sup> Address</u> <u>Registered Agent</u> Suzanne Cherot 1127 W 7 <sup>th</sup> Avenue Anchorage, AK 95501

**CASE NUMBER** AK09001, AK09007-AC  
**DUE ON OR BEFORE** June 24, 2011  
**CONTACT** Deborah Dubow, P.E.  
**PHONE** (301) 734-4569

DATE	CITATION	DESCRIPTION
		See Attached Pages Page 1 of 2

**PENALTY** \$7,429

**TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent:

Date:

6/17/11

### PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

T04 - Settlement Agreement

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
November 4, 2006, May 24, 2007, May 28, 2008	9 C.F.R. § 2.38(f)(1)	<u>Handling.</u> Respondent failed to handle all animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. Three Pacific Harbor seals in the same research protocol died between November 2006 and May 2008 after respondent subjected them to handling, multiple sampling events, and dietary restrictions that caused stress and physical harm.
November 4, 2006, May 24, 2007, May 28, 2008	9 C.F.R. § 3.105(a)	<u>Feeding.</u> Respondent failed to provide food that was of sufficient quantity and nutritive value to maintain marine mammals in a state of good health. Respondent did not prepare diets with consideration for factors such as age, species, condition, and size of the marine mammal being fed. Respondent failed to provide sufficient quantities of food to three Pacific Harbor seals that died between November 2006 and May 2008. Respondent did not properly consider the caloric intake required by each seal to maintain body weight and support growth.
July 22, 2009	9 C.F.R. § 3.101(c)(2)	<u>Facilities.</u> Respondent failed to securely fasten all drain covers in order to minimize potential risk of animal entrapment. A sea otter drowned in a drain pipe after removing the cover from a pool drain.