

Feeding or Harassing Marine Mammals in the Wild is Illegal and Harmful to the Animals

(Taken from the NOAA Fisheries website 22, November 2017)

Why is it illegal to feed, attempt to feed or harass marine mammals in the wild?

Feeding, attempting to feed, and harassment of marine mammals in the wild by anyone is **prohibited by regulations enacted under the Marine Mammal Protection Act**.

Feeding, attempting to feed, or otherwise harassing marine mammals in the wild was made illegal because it is harmful to the animals in the following ways:

- It causes marine mammals to lose their natural wariness of humans or boats and become conditioned to receiving handouts and associate people with food.
- It changes their natural behaviors, including feeding and migration activities, and decreases their willingness to forage for food on their own. They may also begin to take bait/catch from fishing gear. These changed behaviors may be passed on to their young and other members of their social groups and increases their risk of injury from boats, entanglement in fishing gear, and intentional harm by people frustrated with the behavioral changes.
- Some of the items that are fed to marine mammals may be contaminated (old or spoiled) or not food at all. Feeding marine mammals inappropriate food, non-food items, or contaminated food jeopardizes their health.
- Marine mammals sometimes become aggressive when seeking food, and are known to bite or injure people when teased or expecting food.

How is "harassment" defined under the MMPA?

Harassment means any act of pursuit, torment, or annoyance that has the *potential to injure* a marine mammal or marine mammal stock in the wild (Level A harassment); or that has the *potential to disturb* a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering, but does not have the potential to injure a marine mammal or marine mammal stock in the wild (Level B harassment).

Does NOAA Fisheries Service have a policy about interacting with marine mammals in the wild?

NOAA Fisheries Service maintains a policy on human interactions with wild marine mammals that states:

- Interacting with wild marine mammals should not be attempted, and viewing marine mammals must be conducted in a manner that does not harass the animals.
- NOAA Fisheries Service does not support, condone, approve, or authorize activities that involve closely approaching, interacting, or attempting to interact with whales, dolphins, porpoises, seals, or sea lions in the wild. This includes attempting to swim with, pet, touch, or elicit a reaction from the animals.

You can find recommendations on proper viewing of marine mammals on our website <http://www.nmfs.noaa.gov/pr/education/viewing.htm>

How can people responsibly view marine mammals in the wild?

NOAA Fisheries Service supports responsible viewing of marine mammals in the wild. Each of our six Regional Offices have developed viewing guidelines or regulations tailored to the specific needs of the species in their area to help people responsibly view the animals and avoid harassment. In general, the guidelines recommend:

- **Observing wild dolphins, porpoises, and seals from safe distances of at least 50 yards (150 feet) by land or sea**
- **Observing large whales from a safe distance of at least 100 yards (300 feet) by land or sea**
- **Observing whales, dolphins, porpoises, and seals from a safe distance of at least 333 yards (1,000) feet by air**
- **Use binoculars or telephoto lenses for a better view of the animals**
- **Limit overall viewing time to no more than 30 minutes**
- **Avoid circling or entrapping marine mammals between watercraft, or watercraft and shore**
- **Avoid abrupt movements or loud noises around marine mammals**
- **Avoid separating mother/calf pairs**

- **Move away cautiously if behaviors are observed that indicate the animal is stressed**
- **Avoid touching or swimming with wild marine mammals, even if they approach you**

In addition to these recommended guidelines, Federal regulations strictly prohibit close approaches to certain species of marine mammals and feeding or attempting to feed any species of marine mammal:

- **It is illegal to feed or attempt to feed any species of marine mammal**
- **It is illegal to approach humpback whales in Hawaii and Alaska within 100 yards (300 feet) by land or sea**
- **It is illegal to approach humpback whales in Hawaii within 333 yards (1,000 feet) by air**
- **It is illegal to approach killer whales in inland waters of Washington State within 200 yards (600 feet) by land or sea**
- **It is illegal to approach North Atlantic right whales within 500 yards (1,500 feet) by land, sea, or air**

For more details, please see our website, [Responsible Marine Wildlife Viewing](#), as well as [50 Code of Federal Regulations \(CFR\) 216.3](#) and [50 CFR 224.103](#).

What research identifies the risks to marine mammals from feeding or provisioning?

Scientific research has documented the harmful consequences when humans feed or provision marine mammals in the wild. Notable literature includes:

- Cunningham-Smith, P., D.E. Colbert, R.S. Wells, and T. Speakman. 2006. Evaluation of Human Interactions with a Provisioned Wild Bottlenose Dolphin (*Tursiops truncatus*) near Sarasota Bay, Florida, and Efforts to Curtail the Interactions. *Aquatic Mammals*, 32(3): 346-35.
- Finn, H., R. Donaldson and M. Calver. 2008. Feeding flipper: a case study of a human-dolphin interaction. *Pacific Conservation Biology* 14: 215-225.
- Mann, J. and C. Kemps. 2003. The effects of provisioning on maternal care in wild bottlenose dolphins, Shark Bay, Western Australia. Pp. 304-317 in *Marine Mammals: Fisheries, Tourism, and Management Issues* ed. By N. Gales, M. Hindell, and R. Kirkwood. CSIRO Publishing, Collingwood, Victoria.
- NMFS. 1994. Report to Congress on Results of Feeding Wild Dolphins: 1989-1994. National Marine Fisheries Service, Office of Protected Resources. 23 pp.
- Orams, M. B. 2002. Feeding wildlife as a tourism attraction: a review of issues and impacts. *Tourism Management* 23: 281-293
- Samuels, A. and L. Bejder. 2004. Chronic interaction between humans and free-ranging bottlenose dolphins near Panama City Beach, Florida, USA. *Journal of Cetacean Resource Management*, 6(1):69-77.

What research supports the need for responsible viewing practices?

Scientific research has shown that human interactions, either boat-based or intentionally swimming with marine mammals in the wild, can disrupt their normal behavior and activities. Notable literature includes:

- Bejder, L., A. Samuels, H. Whitehead, N. Gales, J. Mann, R. Connor, M. Heithaus, J. Watson-Capps, C. Flaherty, and M. Krutzen. 2006. Decline in relative abundance of bottlenose dolphins exposed to long-term disturbance. *Conservation Biology* doi: 10.1111/j.1523-1739.2006.00540.x. Published online: 9-Aug-2006. (<http://www.blackwell-synergy.com/toc/cbi/0/0>)
- Christiansen, F., D. Lusseau, E. Stensland and P. Berggren. 2010. Effects of tourist boats on the behaviour of Indo-pacific bottlenose dolphins off the south coast of Zanzibar. *Endangered Species Research* 11: 91 - 99.
- Constantine, R. 2001. Increased Avoidance of Swimmers By Wild Bottlenose Dolphins (*Tursiops truncatus*) Due to Long-term Exposure to Swim-With-Dolphin Tourism. *Marine Mammal Science*, 17(4): 689-702.
- Constantine, R., D.H. Brunton, and T. Dennis. 2004. Dolphin-Watching Tour Boats Change Bottlenose Dolphin (*Tursiops truncatus*) Behaviour. *Biological Conservation*, 117: 299-307.
- Jensen, F.H., L. Bejder, M. Wahlberg, N. Aguilar Soto, M. Johnson and P.T. Madsen. 2009. Vessel noise effects on delphinid communication. *Marine Ecology Progress Series*, 395: 161-175.
- Lusseau, D. 2003. Effects of tour boats on the behavior of bottle-nose dolphins: Using Markov chains to model anthropogenic impacts. *Conservation Biology* 17: 1785–1793.
- Lusseau, D. 2004. The hidden cost of tourism: detecting long-term effects of tourism using behavioral information. *Ecology and Society*, 9(1): 2.

- Lusseau, D. and J.E.S. Higham. 2004. Managing the impacts of dolphin-based tourism through the definition of critical habitats: the case of bottlenose dolphins (*Tursiops* spp.) in Doubtful Sound, New Zealand. *Tourism Management* 25: 657-667.
- Nowacek, S.M., R.S. Wells, and A.R. Solow. 2001. Short-term effects of boat traffic on bottlenose dolphins, *Tursiops truncatus*, in Sarasota Bay, Florida. *Marine Mammal Science* 17(4): 673-688.
- Samuels, A. and L. Bejder. 2004. Chronic interaction between humans and free-ranging bottlenose dolphins near Panama City Beach, Florida, USA. *Journal of Cetacean Research and Management*, 6(1): 69-77.
- Samuels, A., L. Bejder, and S. Heinrick. 2000. A Review of the Literature Pertaining to Swimming with Wild Dolphins. Contract Report Prepared for the Marine Mammal Commission (<http://www.mmc.gov/reports/contract/asamuels.html>).
- Wells, R.S. and M.D. Scott. 1997. Seasonal Incidence of boat strikes on bottlenose dolphins Near Sarasota, Florida. *Marine Mammal Science*, 13(3): 475-480.

How does NOAA educate the public about feeding and harassment regulations under the MMPA?

NOAA Fisheries Service works cooperatively with many partners, including other federal and state wildlife officials, to educate the public that it is illegal to feed and harass wild marine mammals with clear and consistent outreach messages. We use a variety of innovative methods to ensure the public understands why feeding or harassment is illegal, how these activities may harm marine mammals in the wild, why these activities are unsafe for people, and how to avoid these illegal activities and enjoy viewing marine mammals in the wild.

Examples of some of NOAA Fisheries' education and outreach campaigns to prevent feeding and harassment of marine mammals:

- **Responsible Marine Wildlife Viewing**
- **Protect Dolphins Campaign**
- **Dolphin SMART Campaign**
- **Don't Feed Wild Dolphins**
- **Be Whale Wise Campaign**

What can people do if they see a marine mammal violation?

To report marine mammal violations, such as people feeding, attempting to feed, or harassing marine mammals in the wild, please contact the national NOAA Fisheries Enforcement Hotline: 1-800-853-1964. Information may be left anonymously.

What can happen to those prosecuted for violating the Marine Mammal Protection Act?

NOAA Fisheries Office for Law Enforcement also works closely with other state and federal law enforcement agencies to enforce federal regulations and investigate violations when they occur.

If prosecuted for violating the Marine Mammal Protection Act, civil or criminal penalties could include:

- Civil penalties up to \$11,000
- Up to 1 year in prison plus criminal fines
- Forfeiture of the vessel involved, including penalties for that vessel up to \$25,000

Examples include:

- **Judge Fines Panama City Boat Rental Company and Operator \$4,500 for Illegally Feeding Dolphins**
- **Humans feeding and interacting with wild dolphins leads to injuries and federal prosecutions in southeast U.S.**
- **California Woman Pleads Guilty to Feeding Whales in Marine Sanctuary**

Updated: March 21, 2016