



## Wild Dolphin Interactions (A Regulatory Perspective)

Viewing marine mammals in their natural habitat can be an educational and enriching experience if conducted safely and responsibly. As human interactions with wild marine mammals increase, the risk of disturbing or injuring the animals also increases. Therefore, the National Marine Fisheries Service (NMFS) developed a policy on human interactions with wild marine mammals.

### **NMFS Policy on Human Interactions**

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. NMFS cannot 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.

### **Prohibitions and Violations**

The MMPA and its implementing regulations at 50 CFR 216 prohibits harassment and feeding of wild marine mammals, which are both considered a “take.” Violations can result in civil or criminal penalties with fines as great as \$20,000, or imprisonment for not more than one year, or both.

### **MMPA Regulatory Definitions**

Take means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect or kill any marine mammal. This includes, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to feed a marine mammal in the wild. *50 CFR 216.3*

Level A Harassment means any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild. *50 CFR 216.3*

Level B Harassment means any act of pursuit, torment, or annoyance which 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 which does not have the potential to injure a marine mammal or marine mammal stock in the wild. *50 CFR 216.3*

Feeding is the offering, giving, or attempting to give food or non-food items to marine mammals in the wild. It includes operating a vessel or providing other platforms from which feeding is conducted or supported. It does not include the routine discard of bycatch during fishing operations or the routine discharge of waste or fish byproducts from fish processing plants or other platforms if the discharge is otherwise legal and is incidental to operation of the activity. *50 CFR 216.3*

### **Enforcement Hotline**

To report a violation, please call the NOAA Fisheries Enforcement Hotline at **1-800-853-1964**. Operators are available to take your call 24 hours a day, 7 days a week, 365 days a year.