NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 02-203 ***AUGUST 29, 1990***
Protected Resources Management
POLICY REGARDING APPLICATIONS FOR PERMITS TO APPROACH, HARASS AND FEED ATLANTIC BOTTLENOSE DOLPHINS FOR PUBLIC DISPLAY
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National Oceanic and Atmospheric Administration

[Docket No. 900807-0208]

Policy Regarding Applications for Permits to Approach, Harass and Feed Atlantic Bottlenose Dolphins (Tursiops truncatus) for Public Display

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of policy.

SUMMARY: On June 25, 1990, notice was published in the Federal Register (55 FR 25859) that an application for a permit to approach, harass and feed Atlantic bottlenose dolphins (Tursiops truncatus) for public display was denied. Denial was based on a finding that the proposed taking is not consistent with the purposes and policy of the Marine Mammal Protection Act.

During the public comment period on that application, individuals and organizations supportive of feeding cruises and those opposed commented that groups of wild animals routinely exposed to feeding activities regularly approach people for the purposes of interaction even if the fish available represent only a small percentage of the animals' daily requirements, and even if no fish are offered. This increased interaction with people can have detrimental effects on dolphins.

The Service concludes that the potential adverse impacts on the population stocks of Atlantic bottlenose dolphin and the marine ecosystem outweigh the potential benefit of the proposed activities. The Service concluded that the issuance of a permit authorizing activities intended to directly or indirectly after the natural and feeding behavior of groups of wild animals is not consistent with the purposes and policy of the Marine Mammal Protection Act. Therefore, all other applications requesting a public display permit for these types of activities will not be accepted for review and will be returned. Proposed regulations which clarify that NMFS considers activities that involve the feeding of marine mammals in the wild are takings and, therefore, prohibited under the MMPA are published elsewhere in this issue.

The agency has existing guidelines for conducting observations of marine mammals in the wild without harassment that are applicable to various regions of the U.S. and is developing national regulations that will cover marine mammal observational activities.

FOR FURTHER INFORMATION CONTACT: Ann Terbush, Chief, Permit Division, Office of Protected Resources, NOAA Fisheries, 1335 East-West Highway, room 7324, Silver Spring, Maryland 20910 (301/427-2289).

Dated: August 23, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.