

Marine Safety Group Inc.  
PO Box 4762  
Deerfield Beach, FL 33442  
March 24, 2002

Ms. Terbush  
Chief, Permits, Conservation and Education Division, Office of Protected Resources,  
National Marine Fisheries Service,  
1315 East-West Highway,  
Silver Spring, Maryland 20910

Dear Ms. Terbush,

The Marine Safety Group (MSG) urges NOAA fisheries to pursue regulations to protect marine mammals in the wild from human activities that are directed at the animals and that have the potential to harass the animals. As you know, the MSG led the successful effort to convince the Florida Fish and Wildlife Conservation Commission (FFWCC) to prohibit the feeding of all marine wildlife in Florida's coastal waters. Much of our argument against marine wildlife feeding was based on the solid administrative record from NOAA and the Watchable wildlife program demonstrating that feeding wild animals is harmful and dangerous. The proponents of marine wildlife feeding are mostly comprised of individuals affiliated with the commercial dive industry, specifically, PADI, DEMA, Skin Diver and Sport Diver magazines. These publications are filled with ads promoting interaction with marine wildlife, including marine mammals, that clearly constitutes wildlife harassment. Indeed, members of the commercial dive group formed an organization called the Global Interactive Marine Experiences Council (GIMEC), which promotes interaction with marine wildlife. Thankfully, the FFWCC rejected the GIMEC guidelines and determined that they were inadequate to protect either wildlife or People.

The MSG has little faith in self-regulations, which are not backed by the force of law. It is our firm opinion that wild marine mammal "swim with" programs as they exist today, are in noncompliance with NOAA marine mammal viewing policies and guidelines and are in violation of the marine mammal protection act. We recommend that individuals and commercial entities be prohibited from swimming with or in any way interacting with marine mammals. We also recommend that a minimum safe viewing distance be codified for people to view marine mammals from vessels, on land, or from the air, as scientific data has established that closely approaching or interacting with marine mammals has a detrimental effect for both the animals and humans. We therefore urge NOAA fisheries to codify the current marine mammal viewing guidelines with improvements and revisions to clearly prohibit people from engaging in, or

attempting to engage in, activities such as swimming, touching, chasing and closely approaching marine mammals.

As residents of Florida and recreational divers we note that on rare occasions non-provisioned marine mammals sometimes closely approach vessels or people. It is therefore important that any regulations NOAA proposes provides clear guidance to innocent persons caught in this situation so they are not unfairly at risk of a violation. However, it is equally important that any proposed NOAA regulations clearly explain that it is a violation to entice the animals, examples being, to alter a vessels course to drive through groups of dolphins to get them to bow ride, or to purposefully interact with marine mammals that have been previously habituated to humans through feeding. It is vital that proposed regulations to protect marine mammals are not merely voluntary guidelines, but are codified and enforced.

Finally as residents of Florida, we find it especially important that every effort be made to have uniform rules to protect all marine mammals that inhabit Florida's coastal waters. While we recognize that manatees are under the jurisdiction of the United States Fish and Wildlife Service (FWS), and are not under the jurisdiction of NOAA, we never the less want to state for the record that their should not be a double standard for dolphins and manatees. We have seen advertisements for "swim with manatees" at Crystal River and are convinced that these activities violate the marine mammal protection act. We urge NOAA and the FWS to work together to develop consistent policies and regulations for all marine mammals.

Thank you for considering our comments and recommendations.

Sincerely,

Robert Dimond, President