

MARINE MAMMAL PROTECTION ACT

The Marine Mammal Protection Act of 1972 prohibits the harassment of all marine mammals including elephant seals. The term harassment means:

Any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal;

Any act that has the potential to disturb a marine mammal by causing disruption of behavioral patterns including but not limited to migration, breathing, nursing, breeding, feeding or sheltering.

Anyone violating the Marine Mammal Protection Act is subject to a civil penalty of up to \$10,000 for each infraction.

Examples of actions that would be considered harassment include:

- Significant actions or movements intended to elicit an aggressive or fleeing response from a marine mammal;
- Direct contact by humans with marine mammals through such actions as kicking, hitting, tail grabbing or tossing rocks or other objects;
- Allowing dogs or other pets to aggravate or intimidate marine mammals;
- The unauthorized removal/rescue of marine mammals from beach areas.
- Any flying of drones that disturbs marine mammals.

If you have any questions about what you are seeing, you can use the harassment checklist in your pack to help you determine if you are observing harassment. If the conduct is not serious, if the person appears to be acting through ignorance, and if the person seems amenable, you may wish to approach the person and help them understand why his/her conduct is inappropriate. If this is not feasible, call the Park Ranger dispatch.

Use the harassment checklist to document what you are seeing. Be as specific and detailed as you can in your observations. Photos, if possible, are very helpful. Your complete description including such things as exactly what the person was doing, what they look like and what is their car license number can be very useful if law enforcement decides to prosecute.

The California Code of Regulations (Title 14-4305) regarding Animal Protection states that No person shall molest, hunt, disturb, harm, feed, touch, tease or spotlight any kind of animal or fish or so attempt in a state park.

INFORMATION ABOUT REPORTING INCIDENTS

By law, State Rangers must personally witness the harassment to issue a citation. Call them if the action is underway and you think the ranger can arrive in time to see what you are reporting.

Federal law allows the National Oceanic & Atmospheric Administration's enforcement officer to administer federal fines based on evidence that harassment has occurred. An Harassment Reporting Form is located on the following page. You can write a report, include auto license numbers and iPhone photos, if possible, and Fax or call the information into NOAA Enforcement.

NOAA Law Enforcement Office

Phone Hotline - (800) 853-1964 or FAX (831) 647-4250

If you have additional questions regarding enforcement activities in the Sanctuary contact:

Scott Kathey, MBNMS Enforcement Coordinator

99 Pacific Street, Bldg. 455A, Monterey, CA 93940

Phone: (831) 647-4251 / Fax: (831) 647-4250

Email: scott.kathey@noaa.gov

FOR IMMEDIATE ASSISTANCE CALL

California State Parks Ranger Dispatch

(951) 443-2969