

***Safeguard Natural Behavior & Increase Safety*****Proposed regulation:**

- Prohibit feeding/attracting of fish, sharks & marine species from vessels or while diving
- Aligns with state rules
- Allows discharge of bait & chum while fishing

**Sanctuary-wide Regulations: Fish Feeding slide.**

Fish feeding is a common practice in the Florida Keys and is conducted at various locations including from shore, from boats, and by divers and snorkelers. Fish feeding is generally conducted in order to attract fish. However, this practice has resulted in human safety issues and has been shown to alter fish behavior.

Through the regulatory review process, the Sanctuary Advisory Council specifically asked NOAA to consider prohibiting this activity - both from vessels/divers and from shore.

**Current regulations:**

- NOAA does not have existing regulations explicitly related to the practice of fish feeding.
- Existing discharge prohibitions provide some protection, for example, nothing is allowed to be discharged within Sanctuary Preservation Areas except engine cooling water and exhaust.
- Existing Florida rules prohibit: (1) divers from engaging in the practice of fish feeding, and (2) anyone from operating any vessel for hire for the purpose of carrying passengers to any site in the salt waters of the state to engage in

- fish feeding or to allow such passengers to observe fish feeding.
- This state regulation does not currently extend into the federal waters of the sanctuary.

Comments received on 2019 Restoration Blueprint DEIS proposal:

- Public comments generally supported additional prohibitions on fish feeding in the sanctuary both while on the water and from shore-based operations.
- Other comments received opposed additional regulation because of the potential loss of eco-tour and educational opportunities, and questioned the impacts of fish feeding on the environment, human safety, and fish and shark behavior.
- Agency comments indicated support for regulating fish feeding throughout the sanctuary and, specifically, FWC noted it would consider modifying its existing fish feeding regulation in state waters to be consistent with a sanctuary regulation, if implemented.

Based on public comment, additional consultation with agency partners, and input from fisheries experts, the proposed regulation would:

- Prohibit the feeding and attracting of fish, including sharks, or other marine species, from any vessel or while diving, and define “attracting,” “diving,” and “feeding.”
  - This proposed update was developed with additional input and expertise from National Marine Fisheries Service staff related to impacts to sharks and shark depredation, human safety concerns, and compliance and enforcement.
  - NOAA has not provided an express “grandfather” clause for current fish feeding operations (i.e., an exemption for pre-existing operators) but rather will consider issuing a permit to pre-existing eco-tour operators who can meet application requirements.
    - To specifically assist NOAA in identifying appropriate terms and conditions for such permits, NOAA seeks comments on the numbers, scale, and types of activities related to feeding and attracting fish, including sharks, or other marine species that currently occur within the sanctuary.
  - This proposed regulation would not affect the existing regulatory exception that allows discharge of fish, fish parts, chumming materials, or bait that is used or generated while conducting traditional fishing in the sanctuary.
- NOAA carefully considered public comments regarding extending this prohibition to shore-based operations (i.e., dock-side fish feeding); however, NOAA is not proposing to regulate shore-based activity at this time because additional information is needed about its scope, scale, and economic impact to develop appropriate regulations.