



Dolphin SMART Program Framework 2013

I Mission of the Program

The mission of Dolphin SMART is to promote responsible stewardship of wild dolphins in coastal waterways.

The purpose for developing this program is to:

- 1) Minimize the potential of wild dolphin harassment that may result from commercial viewing activities;
- 2) reduce expectations of members of the public arising from wanting to closely interact with wild dolphins in a manner that may cause harassment (*e.g.*, intentionally swimming toward and with dolphins – see note below);
- 3) eliminate advertising that creates expectations to engage in activities that may cause harassment by commercial wildlife viewing businesses, other commercial businesses who encounter wild dolphins, and booking agents who promote dolphin viewing tours; and
- 4) reduce the potential causes of harassment to groups of wild dolphins, especially in areas where potential stressors include: a high density of boats in a small area; inexperienced vessel operation around dolphins; lack of education about regulations and laws among commercial businesses; and lack of awareness about wild dolphin behavior and signs of disturbance.

Dolphin SMART is an education and public awareness program, not a law enforcement program. Any suspected violations of the Marine Mammal Protection Act (MMPA) or other laws will be referred to the appropriate law enforcement agency.

The founding program sponsors are the National Oceanographic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), Office of National Marine Sanctuaries, the Florida Keys National Marine Sanctuary (FKNMS), the Whale and Dolphin Conservation Society (WDCS), and the Dolphin Ecology Project. Although they are not program partners, the NOAA Office of Law Enforcement and local stakeholders also assisted in developing the program. Local partners assist the program sponsors in the national growth and implementation of the program to other areas of need. Please see Addenda A-C for local partners.

II Program Goal and Objectives

The goal of the program is to develop a voluntary education and recognition program for commercial operators to increase their awareness and knowledge, and ultimately that of their

customers, about responsible wild dolphin viewing practices; dolphin behavior and biology/ecology; the laws and guidelines protecting wild dolphins; and stewardship of the marine environment. Objectives in support of this goal are:

- A. Develop criteria that assist participants in achieving voluntary compliance with legal requirements, policies, and guidelines, as well as best practices aimed at preventing harassment of wild dolphins.
- B. Develop outreach and education materials to ensure participants' awareness of the issues surrounding wild dolphin conservation and how to promote dolphin conservation by preventing harassment.
- C. Share outreach materials with wildlife tour booking agents and the general public to promote wild dolphin stewardship.
- D. Determine the program's overall effectiveness, especially in the Florida Keys National Marine Sanctuary (FKNMS) where the program was piloted, by developing an evaluation component to measure adherence to the program criteria.
- E. Establish a platform for public recognition of operators complying with the program criteria.

The **Dolphin SMART** acronym stands for:

Stay at least 50 yards from Dolphins

Move away cautiously if dolphins show signs of disturbance

Always put your engine in neutral when dolphins are near

Refrain from feeding, touching, swimming-with wild dolphins

Teach others to be Dolphin SMART

For additional information online, please visit www.dolphinSMART.org.

III Eligibility for Program Recognition

The following businesses are eligible to participate in the Dolphin SMART Program:

- A. Commercial businesses conducting wild dolphin viewing tours as the primary purpose of the tour (*e.g.*, wild dolphin tours);
- B. Commercial businesses for which viewing of wild dolphins is opportunistic and secondary to the primary purpose of the tour operation (*e.g.*, Eco-tours, charter boats, SCUBA diving or snorkeling operations).
 - 1. Commercial businesses that opportunistically view wild dolphins on average less than 25% of tours (*i.e.*, 1 out of 4 tours) are eligible to participate in Dolphin SMART as either a participant or a *Proud Supporter*.
 - 2. If a business that views wild dolphins on less than 25% of the tours chooses to seek Dolphin SMART participant recognition (rather than become a *Proud Supporter*), the business must view wild dolphins during their evaluation trip with the Dolphin SMART coordinator.

(Note 1: Some commercial businesses that take customers to view wild dolphins also conduct other types of charters (i.e., fishing trips and SCUBA diving or snorkeling). Dolphin SMART participants agree to follow the program criteria including giving the Dolphin SMART briefing even if they are running a charter for primary purposes other than dolphin viewing.

(Note 2: Commercial personal watercraft (PWC) operations (e.g., jet ski or kayak) offering guided tours are currently ineligible for Dolphin SMART recognition due to the operational style of these watercraft and how the tours are conducted. These factors may prevent the ability to follow the program viewing guidelines. However, these businesses are eligible to become Dolphin SMART Proud Supporters.)

IV Criteria for Dolphin SMART Participants

Note: Participation in the Dolphin SMART Program does not create any right to renewal and does not represent a waiver by NOAA to seek penalties that are provided by law if violations are discovered.

Commercial Businesses

(Note 1: Participation in this program does not ensure that the vessel complies with the United States Coast Guard safety inspection or other applicable safety and insurance requirements.)

1. Conduct Educational Briefing Onboard Vessel

Prior to viewing wild dolphins, conduct an educational onboard briefing about the Dolphin SMART program. The briefing should include what the program is, why it is important, and the code of conduct that participants agree to follow, as well as where additional educational information can be obtained. Participants will be provided with a “script” to guide the onboard briefing. It is recommended to reiterate the Dolphin SMART guidelines when viewing wild dolphins so customers can understand how Dolphin SMART participants are helping to protect wild dolphins by following the guidelines.

2. Provide Outreach Materials

Provide customers with outreach materials that promote the program objectives. Program sponsors and partners will supply outreach materials at no charge.

- a. Provide handouts at the end of each tour with pertinent program information and “script” from educational briefing.
- b. Inform clients of the availability of additional materials available on request. Disseminate requested outreach materials approved by program sponsors following the tour.

3. Comply with Applicable Laws and Report Marine Mammal Strandings, Injuries, Entanglements, and Potential Violations

- a. Comply with all applicable resource protection laws and regulations (*e.g.*, National Marine Sanctuary regulations, US Fish and Wildlife Service regulations, United States Coast Guard, State Departments of Natural Resources, Marine Mammal Protection Act, Endangered Species Act, Magnuson-Stevens Act).
- b. Report suspected violations of the Marine Mammal Protection Act to the NOAA Office of Law Enforcement’s hotline: 1-800-853-1964.
- c. Report any marine mammal strandings to the local stranding hotline, which can be found in Addenda A-C.

4. *Follow Established Policies, Guidelines, and Additional Recommendations to Prevent Harassment and Promote Stewardship*

- a. Follow NMFS policy statement on marine mammal harassment:
“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.” (www.nmfs.noaa.gov/pr/education/viewing.htm)
- b. Follow NMFS Marine Mammal Viewing Guidelines for your area listed in Addenda A-C.
- c. Avoid engaging in viewing activities or associated activities that have the potential to cause harassment of wild dolphin(s), such as attempting to swim with wild dolphin(s).
- d. Avoid vessel operations that separate mothers and calves.
- e. Slowly depart the area if wild dolphin(s) display signs of disturbance, such as forcibly exhaling, tail-slapping, repeated avoidance behavior, erratic changes in speed or direction, increased aerial behaviors, or lengthy periods underwater.
- f. Avoid making loud or sudden noises near dolphin(s).
- g. Remain at least 50 yards from dolphin(s) upon approach.
- h. Approach and depart dolphin(s) at a slow “no wake” speed.
- i. Do not operate or maneuver vessel in a manner that may result in dolphin(s) changing their current behaviors. Specifically, do not direct vessel or accelerate toward dolphin(s) with the intent of creating a pressure wake allowing them to bow or wake-ride.
- j. Only one vessel should be viewing each dolphin(s) at the 50 yard viewing distance, with a second vessel waiting in the distance until the first departs.
- k. Be stewards for the marine environment by participating in environmentally conscious initiatives (*e.g.*, marine debris and beach clean-ups, recycling, vessel wastewater pump-out).

5. *Participate in Training*

- a. Participate in training provided by the program sponsors and partners to attain a program standard of knowledge on dolphin viewing etiquette, behavior, research, and natural history.
- b. Ensure that all employees are trained according to program standards, including new employees hired after the initial training date. The program sponsors and partners will provide necessary materials to participants to assist in training employees. To help provide further training, participants are encouraged to suggest their employees attend the initial training workshop, although not required, as well as conduct the online refresher course annually.

6. *Engage in Responsible Advertising*

(Note 1: “Advertising” includes any print advertisements that mention the business’ name or those linked to the business, search engine listings, and any posted photos. This also includes, but is not limited to, pitch sheets, print, web, visual, and radio.)

(Note 2: The advertising guidelines below are intended to help participants advertise responsible marine mammal viewing by avoiding advertisements that raise the public’s expectation to engage in inappropriate, close human interactions with wild dolphins. Participants are encouraged to familiarize themselves with the Federal Trade Commission’s rules for “truth-in-advertising” to ensure advertisements are truthful and non-deceptive about wild dolphin viewing experiences. Participation in this program does not ensure adherence to the Federal Trade Commission’s advertising policies.)
(www.ftc.gov/bcp/edu/pubs/business/adv/bus35s.htm)

- a. Engage in responsible advertising that promotes responsible wildlife viewing.
- b. Follow NMFS’ “Recommendations for Marine Mammal Watching Advertisements” (contained in participant’s handbook):
 - Photos and videos which show people viewing dolphins must depict responsible viewing practices and not display signs of disturbance.
 - Do not depict people feeding or attempting to feed wild marine mammals or reaching out or leaning over to dolphins. Advertisements should avoid suggesting that these activities will/can occur during the tour.
 - Do not depict people touching, pursuing, chasing, attempting to swim with, or closely interacting with wild marine mammals.
 - Do not depict people in close proximity to wild marine mammals.
 - Do not depict begging dolphins in advertisements that promote viewing wild dolphins. Typical dolphin begging behavior generally entails an animal that approaches people with its head fully out of the water and mouth open.
 - Do not depict dolphins engaging in wake or bow riding behaviors; particularly do not use photos or videos of dolphins leaping in a wake behind a vessel. Additionally, avoid wording that advertises wake or bow riding of dolphins as part of the viewing experience.
 - Underwater photographs and video of dolphins, whales, or seals that are used for advertising must be taken: 1) during the course of permitted scientific research; and/or 2) utilizing a remote camera (GoPRo or similar) while following guidelines for responsible viewing in section IV.4. above. Underwater photographs and video should also be accompanied by captions immediately below the photos that such photos/video were taken: 1) during the course of permitted scientific research (include permit #); and/or 2) with remote device while following guidelines for responsible viewing. Underwater photos/videos that include images of people and/ or vessels may not be utilized.
 - Do not use wording that conveys physical or intentional contact with a wild dolphin while viewing, such as, but not limited to, “interaction,” “swim-with,” or “snorkel-with.” Additionally, avoid using other words or phrases that may raise the public’s expectation to closely interact with dolphins in the wild. Some examples of words that may suggest close interactions include but are

not limited to, “encounter” and “communicate.” Ambiguous words and phrases used in advertisements will be reviewed and evaluated in the context of the entire advertisement. They will be considered appropriate if they do not suggest or promote direct, proximate, and intentional inappropriate human interactions with wild dolphins while viewing.

- Do not link to other websites that are contrary to the mission of Dolphin SMART that depict dolphin feeding, attempting to feed a dolphin, or other close human interactions that may cause harassment, such as swimming with wild dolphins.
- c. Promote the Dolphin SMART program by including the Dolphin SMART logo and prepared statement about responsible wild dolphin viewing on all business promotions and advertisements, where feasible. At a minimum, participants should include a link on their business web site to the Dolphin SMART program web site, as well as the Dolphin SMART logo and prepared statement.
7. Display current year Dolphin SMART flag and decal on vessel at all times.

V Process for Program Participation and Recognition

A. Initial Evaluation for commercial tour businesses

1. Business owner or manager indicates to Dolphin SMART program coordinator the desire to become a recognized Dolphin SMART participant.
2. Dolphin SMART program coordinator provides business owner/manager with a checklist of Dolphin SMART program components and criteria, as well as materials to help the business prepare for an evaluation before participation and recognition are confirmed.
3. Business owner/manager attends an initial Dolphin SMART training workshop (see paragraph B below for more details). The owner/manager ensures that all employees, including new hires, are trained to program standards before the evaluation by either: (a) attending the initial training workshop; or (b) training their employees in-house with provided materials, such as the training DVD and participant handbook.
4. Following the training, business owner/manager reviews checklist of Dolphin SMART program components and criteria and ensures their practices comply.
5. When prepared, business owner/manager contacts Dolphin SMART coordinator to request an evaluation to ensure their business is following the program criteria.
 - a. Evaluation occurs within four weeks of request.
 - b. Dolphin SMART coordinator requests copies of company brochures and other advertising materials, reviews the participant’s web page, and conducts a web search to ensure all advertising information follows program criteria.
 - c. Dolphin SMART coordinator meets with participant at the business site on a mutually convenient date to review evaluation checklist.
 - d. Dolphin SMART coordinator observes a complete dolphin viewing charter to ensure the briefing includes educational information and that the captain (and other staff when applicable) is following program criteria.

- e. An unidentified Dolphin SMART volunteer representative contacts the participant and discusses the trip to ensure that appropriate information is conveyed to customers. Information to be conveyed to customers includes why it is illegal to feed wild dolphins, why swimming with dolphins will not occur, why the vessel will keep a respectful distance of 50 yards from dolphins upon approach, and why the business is Dolphin SMART. The Dolphin SMART volunteer identifies him/herself at the end of the phone call.
 - f. Evaluation results are provided within four weeks of the site visit and review of information.
6. Following successful completion of the evaluation, the owner/manager becomes officially recognized as Dolphin SMART by signing an agreement to voluntarily follow Dolphin SMART program criteria for the calendar year in which the business was initially evaluated. The participant also receives recognition materials from the program sponsors and partners and is included, as feasible, on all Dolphin SMART materials.
 7. If the owner/manager does not meet all program criteria following the evaluation, the Dolphin SMART coordinator provides a letter describing the manner in which the business is not following the program criteria and how best to alter their practices to conform. The Dolphin SMART coordinator provides technical assistance, when possible. After reviewing the evaluation and making any suggested changes, the owner/manager contacts the Dolphin SMART coordinator to arrange for a re-evaluation. The re-evaluation will be scheduled no later than four weeks after the request is made. *(Note: If the request is made within six months of the initial evaluation, only areas in which the criteria are not being followed will be re-evaluated. If the request is made more than six months after the initial evaluation, a full evaluation will be conducted.)*

B. Initial Training Workshop

1. Program partners and stakeholders conduct an initial training workshop to ensure all participants understand the framework, including regulations, and how to responsibly view wild dolphins, as well as relevant research.
2. Training will be conducted once per year or as needed to ensure the availability of training for new participants.
3. To be eligible to participate in Dolphin SMART, the business owner or manager must have attended a training workshop within the past two years.
4. Outreach and educational materials that are necessary for program participation and to train employees are provided to participants at no charge. These may include, but are not limited to:
 - a. Participation handbook:
 - i. Dolphin SMART program framework
 - ii. NMFS policy statement
 - iii. NMFS Regional Marine Mammal and Sea Turtle Viewing Guidelines
 - iv. Handouts of applicable laws
 - v. List of pertinent websites
 - vi. Pertinent dolphin-human interaction literature
 - vii. Recommendations for responsible advertising

- vii. Other relevant brochures
- a. DVD or pdf copies of training workshop
- b. Interactive website for training (Currently only available in the South East US areas):

This training module provides all employees with standardized program training by providing an explanation of all components of the framework, how to adhere, and how to identify disturbed or stressed dolphin behaviors. It also provides a consistent means of training new employees. After successful completion of the online course, employees are able to print out a certificate indicating completion of the Dolphin SMART online training.

C. Recognition

Upon successful completion of training, evaluation, and signing of voluntary Dolphin SMART agreement, applicant is included on the list of recognized program participants on the Dolphin SMART website, and receives all program materials, as well as a flag and decals with Dolphin SMART logo and the current calendar year to display on their vessel.

D. Annual Evaluation for commercial tour operators

Evaluation of participants annually is essential to gauge the program's effectiveness and success, which relies on participants continuing to follow the program criteria after their initial evaluation and after receiving recognition as a Dolphin SMART participant. The goal of annual evaluation is to ensure that the Dolphin SMART criteria are being followed, not to eliminate participants from the program. Therefore, the focus of the annual evaluation process is providing constructive comments to participants on their operations as related to Dolphin SMART and working with them to meet program criteria.

1. A trained Dolphin SMART representative conducts the annual evaluation. Evaluation techniques may include, but are not limited to:
 - a. Customer evaluation,
 - b. Secret Shopper evaluation,
 - c. Prearranged ride-along by the Dolphin SMART coordinator, trained representative, or third party, with feedback provided to the business following the close of the trip.
2. All Dolphin SMART participants conducting regular wild dolphin viewing trips, regardless of how many vessels and captains are associated with their business, are evaluated at least once per year.
3. Representatives conducting Dolphin SMART evaluations are trained and screened to ensure objectivity and accurate assessment.
4. The Dolphin SMART representative books and attends a regularly scheduled charter. The representative evaluates the charter for adherence to the Dolphin SMART criteria using a standard reporting form. At the conclusion of the charter, the representative identifies him/herself to the business as a Dolphin SMART representative and may review the evaluation results, noting any areas of concern and offering recommendations on how to address them. The business will have the opportunity on

the form or in discussion to note any areas of disagreement regarding the evaluation. The representative notifies the business that s/he will receive a copy of the evaluation results via mail, fax or email, whichever the business prefers. The representative explains how the business can challenge the findings if s/he disagrees with any observations or conclusions contained in the report. If a representative observes what s/he believes may be a violation of the Marine Mammal Protection Act or any other law, s/he contacts the appropriate enforcement agency to report the incident.

- a. The Dolphin SMART representative is required to identify him or herself upon the conclusion of the charter. However, if the representative is not comfortable discussing the results of the evaluation (*i.e.*, the operator was not in compliance with numerous Dolphin SMART criteria), the representative may defer discussions of the evaluation status to the Dolphin SMART coordinator and will advise the business that s/he will be contacted by the Dolphin SMART coordinator.
5. The representative provides the evaluation form to the Dolphin SMART coordinator, who forwards a copy to the participant. If there are any areas of deviation from the program criteria, the participant has 30 days to revise their practices. The Dolphin SMART coordinator is available for technical assistance as necessary. The participant is re-evaluated after the 30-day timeframe mentioned above through an unannounced spot check, second volunteer evaluation, meeting with Dolphin SMART program coordinator, or pre-arranged ride-along by the program coordinator, a Dolphin SMART representative, or third party. The participant will not receive decals or flags for the new program year until it is determined they have revised their practices to meet the Dolphin SMART criteria. Only a current year decal and flag indicate active participation in Dolphin SMART.
6. If a Dolphin SMART participant disagrees with the findings of an annual evaluation, the participant submits a written description of the discrepancy. After reviewing both accounts, the program coordinator will decide whether the participant did not satisfy the criteria, triggering the process in section V, subsection 5 above. If the program coordinator determines that the participant successfully met the program criteria, this will be noted on the evaluation form. The participant will receive notification via email, mail or fax that no further action is required.
7. Government funds, grant funding, or program sponsor/partner funding will cover the cost of trips taken by Dolphin SMART representatives to evaluate program participants.
8. Participants are welcome to provide feedback on the evaluation process to the program coordinator at all times.
9. Additional spot-checks may be carried out on a random or unannounced basis to ensure that all participants continue to meet the program criteria.
10. Complaints from the general public or other program participants that a participant is not following program criteria will be handled according to the procedure in described in Section VI, below.

E. Refresher Training

1. Prior to renewal and by December 1 of each year, participants (this includes the owner/manager and all captains employed by a Dolphin SMART business) complete

the online interactive training course as a refresher training. If the online refresher training is not available for your region, a pdf copy will be sent to the owner/manager for distribution to all captains.

2. The course includes a question/answer section at the end of the training for participants to complete. An e-mail notification is automatically sent to the Dolphin SMART program coordinator to indicate the participant successfully completed the refresher course. If you receive the pdf version, this form will need to be filled out by all captains and owner/managers and sent back to the Dolphin SMART coordinator, who will review and score the answers. The coordinator will alert each person of their successful completion of the refresher course.

F. Annual Renewal

1. Recognition materials, such as vessel decals or flags, that publicize participation in the program, display the current year (similar to vessel registration stickers). Only a current-year decal/flag indicates active participation in the Dolphin SMART program. Recognition for all Dolphin SMART participants automatically expires at the end of each calendar year, requiring annual renewal to continue recognition for the next calendar year.
2. New decals or flags are distributed, annually, in December to participants who successfully completed the following annual renewal process:
 - a. Successfully complete the annual evaluation and address potential problem areas found, in accordance with Section V, Subsection D above.
 - b. Complete the required annual online refresher training prior to December 1. All employees must complete the online refresher. A completion certificate will be provided to each participant upon successful completion of the training, and emailed directly to the program coordinator.
3. Participants who voluntarily choose not to renew Dolphin SMART recognition for the next year, but would like to regain eligibility for participation in the program in the future, must attend a training workshop and undergo an initial evaluation in accordance with section V.A, B, and C.
4. If three evaluations are not successfully completed (either annual and/or secret shopper evaluations in response to a complaint) and upheld within one recognition year, the participant will be ineligible for the Dolphin SMART program for one full year upon notification by the Dolphin SMART coordinator. In accordance with section V.A, B, and C, in order to regain eligibility for participation in the program after the year timeframe, the participant must attend a training workshop and undergo an initial evaluation
5. Dolphin SMART public awareness materials are updated as appropriate to reflect the current list of recognized businesses.

VI Complaints Procedure

The following procedure establishes a process to address complaints received by the program sponsors, partners, and coordinators from the public about Dolphin SMART participants who may not be meeting the program criteria.

**Note: Any complaint that appears to describe take (including harassment) under the MMPA will be forwarded to NOAA Office of Law Enforcement.*

A. Telephone/verbal complaints

A record of the conversation is made and the complainant(s) is asked to document concerns in writing. Please see section C for suggested information to include in the written complaint. The complainant is advised that a copy of the written complaint will be provided to the participant against whom the complaint was made, but the complainant may choose to remain anonymous. The procedure for written complaints in section B then applies. No further action will be taken unless the program coordinator receives a signed, written complaint from the complainant.

B. Written complaints

1. Complaints are date stamped and copied to the Dolphin SMART program coordinator(s). Before sending the written complaint to the business, the program coordinator reviews the complaint and assesses whether it relates to the program's criteria not being followed. If the coordinator determines the complaint does not relate to the program criteria or the participating business was following all program criteria, no further action is taken. If the program coordinator determines the business deviated from the program criteria, a copy of the written complaint is provided to the participating business involved, outlining the main points of the complaint and requesting a response. Determinations of written complaints will be processed within 6 weeks of receipt. The decision to move forward with a written complaint to a Dolphin SMART business is that of the program coordinator(s) and/or program sponsors.
2. If multiple unique complaints against the same Dolphin SMART business are received, reviewed, and upheld before the formal complaint is provided to the business, all unique complaints will be compiled and sent as one document. Follow-up complaints received against the same business and for the same issue(s) as the original complaint will not be accepted until the original complaint is reviewed, processed, and provided to the participating business if upheld. This allows the business the opportunity to become aware of the potential complaint and address the issue(s) prior to additional complaints being filed.
3. Upon receiving a written complaint, the Dolphin SMART business has 30 days to provide the program coordinator a written response (or rebuttal) to the complaint. The program coordinator reviews the participating business' response to the complaint made against them and determines if the points have been adequately addressed. This may involve the need for a meeting with the participating business to clarify any points; a reevaluation through an unannounced spot check, and/or a

prearranged ride-along. The program coordinator will select the most appropriate evaluation method.

4. If a second complaint against the participating business is received and upheld within one year after the formal complaint process is complete, the participant undergoes additional evaluation in accordance with the procedures described in section VI, subsection 3 above. If three complaints are upheld and/or three evaluations are not successfully completed (can be either a combination of unsuccessful annual evaluations and/or unsuccessful secret shopper evaluations in response to a processed complaint) within one recognition year, the participant will be ineligible for the Dolphin SMART program for one full year upon notification by the Dolphin SMART coordinator. The participant will be removed from Dolphin SMART program materials and will not receive annual renewal decals or flags. (The Dolphin SMART program advises those seeking to book with Dolphin SMART businesses to look for a current year decals and flags).
5. The participant may request reevaluation and renewed participation, in accordance with Sections V.A, B, and C, after one full year of nonparticipation. **Note: If any complaint that is investigated by NOAA Office of Law Enforcement as a take under the MMPA, ESA or NMSA results in a judgment against the participant, the participant is dropped from the Program. Future reinstatement is at the discretion of the program sponsors and partners.*

C. Information helpful to initiate a formal complaint

The following information is useful in moving forward with a formal complaint against a Dolphin SMART business. Complaints may not be upheld without adequate information provided in writing.

1. Suggested information for a written complaint:
 - a. Name of business suspected of not following program criteria
 - b. Date of incident
 - c. Location of incident
 - d. Duration of incident
 - e. Description of incident
 - f. Other information (*e.g.*, vessel name, captain name, animal behavior)
2. Media
 - a. Any media (*i.e.*, photos and video) sent to the program coordinator accompanying a written complaint should include additional descriptive details to interpret the media such as date, business name, and what is being shown in the photo or video.
 - b. Media may either be sent on a CD or emailed to the program coordinator. Coordinator's contact information can be found at www.dolphinmart.org.

VII Framework Review

An annual review of the criteria for participation in Dolphin SMART will ensure that the program is functioning as intended and provide the opportunity to address issues that were not foreseen when the criteria and program were initially developed.

- A. Each year, current Dolphin SMART participants, program sponsors and partners are notified via email or mailed letter that the annual framework review is commencing, which will include but is not limited to received suggestions from participants, the public, and/or other appropriate parties on framework revisions or additions.
- B. Program coordinators, sponsors and partners complete a new draft of the framework if revisions are necessary.
- C. The new draft framework is circulated among current participants for comment, with 30 days to respond.
- D. Comments are reviewed within 30 days, and the revised final framework provided to current participants and program partners. Following distribution of the final framework to current participants, the revised framework is circulated to other potential participants in local areas to advise them of final program revisions.
- E. Current participants agree to abide by all amendments to the Dolphin SMART criteria.
- F. Program participants have three months to ensure their practices meet the revised criteria, if necessary. The online refresher training will be based on the revised criteria. The revised criteria are used for all participant evaluations in the upcoming renewal year.

VIII Educational Component

A. Education/Outreach Materials

- 1. Developing outreach and educational materials to provide to the general public facilitates support of wild dolphin stewardship. As feasible, sponsors and partners will develop suggested outreach and education materials to meet participants' stated outreach needs.
- 2. Suggested outreach materials include (pending funding availability):
 - a. Placards or brochures with activity-specific viewing guidelines.
 - b. Handouts on life history of dolphins and other local species.
 - c. Placards with "scripts" for on board briefings.
 - d. Placards or "wheel display" to illustrate dolphin disturbance behaviors.
 - e. Fact sheets explaining the program.
 - f. Data sheets with pertinent trip information that patrons may fill out during trips.

B. Continuing Education

- 1. Sponsors and partners conduct new training workshops if the program framework is altered significantly through the annual criteria review process or if new information becomes available that benefits participants.
- 2. Sponsors and partners may conduct additional educational workshops, upon request by the participants, on relevant topics of interest, such as local research.

IX Creating Awareness of the Dolphin SMART Program

All program sponsors and partners will engage in activities intended to raise public awareness for this program and the importance of responsibly viewing wild dolphins. These activities may include:

- A. Posting information on their websites about the Dolphin SMART program, and a list of current participants.
- B. Conducting outreach about the program in various publications.
- C. Working with other organizations to promote the importance of the program through their websites and applicable publications.
- D. Recognizing program participants through Dolphin SMART program press releases acknowledging their achievement of successfully completing the program's training and agreeing to follow voluntary criteria.
- E. Program participants may use the Dolphin SMART logo in advertisements that meet the Dolphin SMART advertising criteria as outlined earlier in the document.

X *Proud Supporters of Dolphin SMART*

*Proud Supporters of Dolphin SMART support the program mission by raising public awareness for the program, while promoting responsible viewing and advertising of wild dolphins. Increased awareness of the program will serve to further educate the public about the importance of booking Dolphin SMART and responsibly viewing and advertising of wild dolphins to aid in conservation. An increase in the public's awareness of Dolphin SMART may also encourage dolphin viewing operators to become Dolphin SMART. By being a *Proud Supporter* of Dolphin SMART, companies and organizations also become stewards for the environment and dolphin conservation. *Note: *Proud Supporter designation does not necessarily represent the endorsement by Dolphin SMART program partners of the views or activities of participating businesses and entities.**

A. Who is Eligible to Become a *Proud Supporter* of Dolphin SMART?

*Proud Supporters can be a company or organization that is willing and able to promote responsible viewing of wild dolphins and the Dolphin SMART program, unless the business views dolphins on average more than 25% of tours, in which case they would participate as a Dolphin SMART business. Commercial businesses that opportunistically view wild dolphins on average less than 25% of tours (i.e., 1 out of 4 tours) are eligible to participate in Dolphin SMART as either a participant or a *Proud Supporter*.*

Proud Supporters include, but are not limited to, the following:

1. Commercial businesses who offer services operating in/around wild dolphin habitat, such as:
 - Marinas
 - Waterfront restaurants
 - Fishing piers
 - Non-motorized rental craft/vessels (i.e., kayaks, paddle-boards)

- Motorized craft viewing dolphins on average less than 25% of tours
2. Travel Consultants or Agents, such as:
 - Travel Agents/ Booking Agents
 - Independent Concierge
 - B&B's/ Inns/ Rental Property Agents
 - Chain Hotels
 - Travel websites
 - Cruise Ships
 - Chambers of Commerce
 - Convention & Visitors Bureaus
 - Welcome Centers
 3. Non-profits and agencies (non-partners)
 - Environmental groups and organizations
 - Foundations
 - State agencies
 - Zoos and Aquariums

The following disclaimer is for facilities with captive marine mammals and should be included with the Dolphin SMART logo and supporter statement:

"[Name of Facility] reminds all patrons that the close interactions with, and feeding of, dolphins depicted on our website are legally permissible only because these animals are in human care under the authority of the Marine Mammal Protection Act (MMPA) and the Animal Welfare Act. Attempting the same behavior in the wild is illegal under the MMPA www.nmfs.noaa.gov/pr/laws/mmpa/ and can result in serious harm to both humans and animals. Visit www.dolphinSMART.org to learn how to responsibly view dolphins in the wild or book a dolphin excursion with a recognized Dolphin SMART business".
 4. Media
 - Magazines
 - Newspapers
 - TV Stations
 - Radio
 - Web based

Program sponsors and partners may solicit the participation of companies or organizations that are eligible to be *Proud Supporters* and have the potential to reach large audiences, thereby, helping promote the Dolphin SMART program.

B. How to become a *Proud Supporter*

Companies and organizations interested in becoming a *Proud Supporter* of Dolphin SMART should review the checklist of “What it means to be a *Proud Supporter*”

available at www.dolphinSMART.org to determine their eligibility. Following review of the checklist, interested organizations should contact the Dolphin SMART coordinator to review the checklist for eligibility. A company may be ineligible to become a *Proud Supporter* if the Dolphin SMART coordinator determines the company does not uphold the integrity of the Dolphin SMART program and its mission through business practices, advertisements, or other criteria noted on the “*Proud Supporter*” checklist.

C. What it means to be a *Proud Supporter* of Dolphin SMART

Proud Supporters are stewards for the environment by promoting the Dolphin SMART program and responsible advertising and viewing of wild dolphins. The following are ways in which supporters help raise awareness for Dolphin SMART and its mission:

1. Answer the public’s questions about the Dolphin SMART program and the importance and value of booking Dolphin SMART.
2. Encourage the public to choose current Dolphin SMART businesses when booking dolphin viewing tours by looking for the current year Dolphin SMART flag and decal. **Note: If a Proud Supporter receives funds from business that are not Dolphin SMART, and are therefore committed to selling those tours, as a Proud Supporter, they would be expected to recommend a Dolphin SMART tour first, but would still be able to sell a non- Dolphin SMART tour. Printed advertisements for non-Dolphin SMART tours would still be able to be made available to the public.*
3. Provide program materials upon request, such as the Dolphin SMART brochure.
4. Display *Proud Supporter* materials in highly visible locations.
5. Add the Dolphin SMART link and supporter statement to their website or other advertising materials, where possible.
6. Encourage the public to responsibly view wild dolphins by following NMFS Regional Viewing Guidelines and other applicable viewing tips when participating in water-related activities.
7. Provide the NMFS Viewing Guidelines as part of the rental agreement if renting non-motorized vessel platforms.

C. *Proud Supporter* Package

Various outreach materials will be provided to *Proud Supporters*. These are intended to serve as tools for educating the public about Dolphin SMART and its mission, as well as for raising public awareness of the program.

Upon being deemed an eligible *Proud Supporter*, *Proud Supporters* will receive a package of information to assist them in raising awareness of the program. The package includes the following materials:

1. *Proud Supporter* Letter: Importance of supporting Dolphin SMART
2. Dolphin SMART *Proud Supporter* posters
3. Dolphin SMART brochure

4. Educational Brochures (Marine Mammal and Sea Turtle Viewing Guidelines, Protect Dolphins, Dolphin Friendly Fishing Tips)
5. CD or email with attachments containing the following files:
 - a. Don't Feed Wild Dolphins Public Service Announcement (VLC media file)
 - b. Dolphin SMART brochure (*pdf* file)
 - c. Dolphin SMART Framework (*pdf* file)
 - d. Proud Supporter Checklist (*pdf* file)
 - e. Proud Supporter Talking Points to assist in answering the public's questions about the program (*pdf* file)
 - f. Dolphin SMART Frequently Asked Questions (*pdf* file)
 - g. Dolphin SMART Kids Activity Guide (*pdf* file)
 - h. Dolphin SMART logo with *Proud Supporter* Statement (JPEG file)
 - i. Dolphin SMART poster image (JPEG file)

Additional outreach materials that may also be provided to *Proud Supporters*, funding dependent, to assist in raising awareness for Dolphin SMART and responsible advertising and viewing of wild dolphins include:

1. Dolphin SMART stickers
2. Dolphin SMART pins, buttons, lanyards, etc.

ADDENDUM A – Florida (Key West; Central, Southwest Coast)

- A. Local partners for Key West, Florida: at this time there are no local partners. Key West program is managed by program sponsors.
- B. NMFS Marine Mammal and Sea Turtle Viewing Guidelines
<http://www.nmfs.noaa.gov/pr/education/southeast/>:
1. Remain a respectful distance from marine mammals and sea turtles. The minimum recommended distances are:
 - a. Dolphins, porpoises, seals = 50 yards
 - b. Whales = 100 yards
 2. Limit time spent observing marine mammals to 30 minutes. (*Note: for purposes of the Dolphin SMART Program, this viewing time is per group of dolphins rather than per trip.*)
 3. Marine mammals should not be encircled or trapped between watercraft, or watercraft and shore.
 4. If approached by a marine mammal, put the watercraft's engine in neutral and allow the animal to pass.
 5. Any vessel movement should be from the rear and slightly parallel to the animal(s).¹
 6. Never feed or attempt to feed wild marine mammals. (*Note: Federal law prohibits feeding or attempting to feed marine mammals.*)
- C. If approached by dolphins while fishing, follow the guidelines listed in the “Dolphin-Friendly Fishing and Viewing Tips”:
1. Never feed wild dolphins – it's harmful and illegal.
 - a. Feeding is illegal under the federal Marine Mammal Protection Act.
 - b. Feeding teaches dolphins to beg for food and draws them dangerously close to fishing gear and boat propellers.
 2. Reuse or share leftover bait.
 - c. Freeze leftover bait for later or give it to your fishing neighbor.
 - d. Dumping leftover bait may attract dolphins to fishing areas to beg or steal bait and catch.
 3. Reel in your line if dolphins are near.
 - e. Reel in and wait for dolphins to pass to avoid losing your bait or catch and prevent potential harm to dolphins.
 - f. Never cast towards dolphins.
 4. Change locations if dolphins show interest in bait or catch.
 - g. Move away from dolphins to avoid unintentionally hooking one and prevent damage to gear or catch.
 5. Release catch quietly away from dolphins when and where it is possible to do so without violating any state or federal fishing laws or regulations.
 - h. Feeding or attempting to feed a marine mammal in the wild is prohibited.
 - i. Check gear and terminal tackle.

- j. Inspect your gear often to avoid unwanted line breaks – even small amounts of gear in the water can be harmful to wildlife if entangled or ingested.
 - 6. Use circle and corrodible hooks
 - k. Circle hooks may reduce injuries to fish, dolphins, and sea turtles.
 - l. Corrodible hooks (any hook other than stainless steel) eventually dissolve.
 - m. Stay at least 50 yards away. Stay a safe distance from wild dolphins to avoid causing potential harm.
 - n. Maintaining a safe distance helps keep dolphins wild.
 - 7. Recycle fishing line.
 - o. Place all broken or used fishing line in a Monofilament Fishing Line Recycling Bin.
 - p. If no recycling bins are available, place broken or used fishing line that has been cut into pieces in a lidded trash can.
 - 8. Stash your trash.
 - q. Littering is illegal and can be harmful to wildlife.
 - r. Collect any trash you've left behind and place it in a lidded trash can.
- D. Manatees are under management jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and, therefore, managed separately than dolphins, which are under the management authority of the National Marine Fisheries Service (Dolphin SMART program sponsor). Therefore, Dolphin SMART viewing and advertising criteria do not apply to manatee viewing. However, more information regarding USFWS' and Florida Fish and Wildlife Conservation Commission's responsible viewing practices for manatees is available in the Dolphin SMART training and can be found at: <http://myfwc.com/education/wildlife/manatee/viewing-guidelines/>
- E. Report any marine mammal strandings to the local Marine Mammal Stranding Hotline for Florida at 1-877-433-8299 or NMFS stranding hotline at 1-877-WHALE HELP (1-877-942-5343).

¹ Adapted from NMFS Southeast Region Marine Mammal and Sea Turtle Viewing Guidelines. Pursuit of marine mammals and sea turtles is prohibited by Federal law.

ADDENDUM B – Alabama

- A. Local partners for Alabama include: Alabama State Lands Division, Coastal Section, and Mississippi-Alabama Sea Grant Consortium (MASGC).
- B. NMFS Marine Mammal and Sea Turtle Viewing Guidelines
<http://www.nmfs.noaa.gov/pr/education/southeast/>:
1. Remain a respectful distance from marine mammals and sea turtles. The minimum recommended distances are:
 - a. Dolphins, porpoises, seals = 50 yards
 - b. Whales = 100 yards
 2. Limit time spent observing marine mammals to 30 minutes. (*Note: for purposes of the Dolphin SMART Program, this viewing time is per group of dolphins rather than per trip.*)
 3. Marine mammals should not be encircled or trapped between watercraft, or watercraft and shore.
 4. If approached by a marine mammal, put the watercraft's engine in neutral and allow the animal to pass.
 5. Any vessel movement should be from the rear and slightly parallel to the animal(s).²
 6. Never feed or attempt to feed wild marine mammals. (*Note: Federal law prohibits feeding or attempting to feed marine mammals.*)
- C. If approached by dolphins while fishing, follow the guidelines listed in the “Dolphin-Friendly Fishing and Viewing Tips”:
1. Never feed wild dolphins – it’s harmful and illegal.
 - a. Feeding is illegal under the federal Marine Mammal Protection Act.
 - b. Feeding teaches dolphins to beg for food and draws them dangerously close to fishing gear and boat propellers.
 2. Reuse or share leftover bait.
 - c. Freeze leftover bait for later or give it to your fishing neighbor.
 - d. Dumping leftover bait may attract dolphins to fishing areas to beg or steal bait and catch.
 3. Reel in your line if dolphins are near.
 - e. Reel in and wait for dolphins to pass to avoid losing your bait or catch and prevent potential harm to dolphins.
 - f. Never cast towards dolphins.
 4. Change locations if dolphins show interest in bait or catch.
 - g. Move away from dolphins to avoid unintentionally hooking one and prevent damage to gear or catch.
 5. Release catch quietly away from dolphins when and where it is possible to do so without violating any state or federal fishing laws or regulations.
 - h. Feeding or attempting to feed a marine mammal in the wild is prohibited.
 - i. Check gear and terminal tackle.

- j. Inspect your gear often to avoid unwanted line breaks – even small amounts of gear in the water can be harmful to wildlife if entangled or ingested.
- 6. Use circle and corrodible hooks
 - k. Circle hooks may reduce injuries to fish, dolphins, and sea turtles.
 - l. Corrodible hooks (any hook other than stainless steel) eventually dissolve.
 - m. Stay at least 50 yards away. Stay a safe distance from wild dolphins to avoid causing potential harm.
 - n. Maintaining a safe distance helps keep dolphins wild.
- 7. Recycle fishing line.
 - o. Place all broken or used fishing line in a Monofilament Fishing Line Recycling Bin.
 - p. If no recycling bins are available, place broken or used fishing line that has been cut into pieces in a lidded trash can.
- 8. Stash your trash.
 - q. Littering is illegal and can be harmful to wildlife.
 - r. Collect any trash you’ve left behind and place it in a lidded trash can.

D. Manatees are under management jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and, therefore, managed separately than dolphins, which are under the management authority of the National Marine Fisheries Service (Dolphin SMART program sponsor). Therefore, Dolphin SMART viewing and advertising criteria do not apply to manatee viewing. However, more information regarding USFWS’ and Florida Fish and Wildlife Conservation Commission’s responsible viewing practices for manatees is available in the Dolphin SMART training and can be found at: <http://myfwc.com/education/wildlife/manatee/viewing-guidelines/>

E. Report any marine mammal strandings to the local Marine Mammal Stranding Hotline for Alabama at 1-888-806-1674 or NMFS stranding hotline at 1-877-WHALE HELP (1-877-942-5343).

F. State of Alabama Regulation 2008-MR-4 Rule 220-3-.33
Marine Turtles and Marine Mammals

(1) It shall be unlawful to take or attempt to take, catch, or attempt to catch, possess, molest, injure, kill, feed, harass, or do any other activity, including any act of pursuit, torment, or interaction, that causes disruption of behavioral patterns or otherwise interferes with the normal activity or well being of any marine turtles, mammalian dolphins (porpoises)¹, and manatees, except as may be authorized by a valid permit.

¹ State of Alabama Regulation 2008-MR-4 Rule 220-3-.33 incorrectly refers to dolphins within state waters as “porpoises.” Dolphin SMART acknowledges this mistake. However, in order to maintain consistency with the state of Alabama, the regulation is included in the framework as unedited.

² Adapted from NMFS Southeast Region Marine Mammal and Sea Turtle Viewing Guidelines. Pursuit of marine mammals and sea turtles is prohibited by Federal law.

ADDENDUM C – Hawaii

- A. Local partners for Hawaii include: NMFS- Pacific Islands Region and the Hawaiian Islands Humpback Whale National Marine Sanctuary.
- B. NMFS Pacific Islands Region Guidelines for viewing spinner dolphins:
http://www.fpir.noaa.gov/PRD/prd_spinner.html
1. Remain at least 50 yards from spinner dolphins.
 2. Limit your time observing to 30 minutes. (*Note: for purposes of the Dolphin SMART Program, this viewing time is per group of dolphins rather than per trip.*)
 3. Spinner Dolphins should not be encircled or trapped between boats or shore.
 4. If approached by a spinner dolphin while on a boat put the engine in neutral and allow the animal to pass.
 5. Any vessel movement should be from the rear and slightly parallel to the animal(s).¹
- C. NMFS Pacific Islands Region Marine Wildlife Viewing Guidelines
http://www.fpir.noaa.gov/PRD/prd_laws_policies_guidelines1.html
1. Remain at least 100 yards from humpback whales, and at least 50 yards from other marine mammals (dolphins, other whale species, and Hawaiian monk seals). (*Note: Federal law prohibits approaching within 100 yards of humpback whales in Hawaiian waters.*)
 2. Observe turtles from a distance.
 3. Bring binoculars along on viewing excursions to assure a good view from the recommended viewing distances.
 4. Do not attempt to touch, ride, or feed turtles.
 5. Limit time spent observing marine mammals and turtles to 30 minutes. (*Note: for purposes of the Dolphin SMART Program, this viewing time is per group of dolphins rather than per trip.*)
 6. Marine mammals and turtles should not be encircled or trapped between boats or shore.
 7. If approached by a marine mammal or turtle while on a boat, put the engine in neutral and allow the animal to pass.
 8. Boat approach should be from the rear of the animal. Any movements with the animals should be slightly behind the group so as to not cut off the path of the dolphins, or inhibit their choice of travel.¹
- D. Additional Recommendations to Prevent Harassment and Promote Stewardship
1. Do not place vessel in predictable path of the animals (*i.e.*, “leapfrogging”).
 2. Feeding of marine fishes is detrimental to fish populations and their ecosystem, as well as the possibility of leading to harm to humans. Therefore, marine animals should never be fed during a tour. For more information, please visit the Coral Reef Alliance (CORAL)’s website: www.coral.org.

E. Additional Recommendations for Responsible Advertising

1. Green Sea Turtles are federally protected under the Endangered Species Act and “take” is prohibited. Therefore, advertisements of Hawaii Dolphin SMART businesses that may also conduct tours viewing green sea turtles should not depict interactions (*i.e.*, touching, riding, or feeding) that may cause a take.

F. Report any marine mammal strandings to the local Marine Mammal Stranding Hotline for Hawaii at 1-888-256-9840. Report any sea turtle strandings to the Sea Turtle Hotline at 808-983-5730.

¹ Adapted from NMFS Pacific Islands Region Marine Wildlife Viewing Guidelines. Pursuit of marine mammals and sea turtles is prohibited by Federal law