

Deterring Pacific Harbor Seals, California Sea Lions, Northern Fur Seals, Eastern U.S. Stock of Steller Sea Lions, & Northern Elephant Seals

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NOAA Fisheries is providing information about the Marine Mammal Protection Act (MMPA) as it relates to “nuisance” pinnipeds. This document is not a list of “approved” or “not approved” deterrence methods by NOAA Fisheries.

GENERAL INFORMATION:

The MMPA generally prohibits the harassment, hunting, capturing, or killing of marine mammals, or any attempt to engage in such activities.

However, **Section 101(a)(4) of the MMPA** allows for the non-lethal deterrence of nuisance animals under certain circumstances:

- The **owner of fishing gear or catch**, or an employee or agent of such owner, may deter a marine mammal from damaging the gear or catch (*Note: seals and sea lions may only be deterred during active fishing with gear deployed*)
- The **owner of other private property**, or an agent, bailee, or employee of such owner, may deter a marine mammal from damaging private property (e.g. *developed waterfront, decks, docks, floats, piers, bait receivers, vessels at anchor, etc.*)
- Any person may deter a marine mammal from endangering **personal safety**.
- A **government employee** may deter a marine mammal from damaging **public property**.

Non-lethal deterrence measures may be used in any of these circumstances so long as such measures do not result in the death or serious injury of a marine mammal. NOAA Fisheries has defined serious injury as “any injury that is more likely than not to result in mortality.”

NOTE: This exemption does not apply to species listed as threatened or endangered under the Endangered Species Act (e.g. Guadalupe fur seal, Western U.S. stock of Steller sea lions) except when used to protect personal safety.

NOTE: The Marine Mammal Authorization Program (MMAP) allows commercial fishermen to lawfully incidentally (accidentally) take a marine mammal in a commercial fishery. For more information, visit: <http://www.nmfs.noaa.gov/pr/interactions/mmap/>

REMINDERS:

Act responsibly & use common sense: Regardless of method or intent, the property owner or fisherman may be subject to prosecution should a marine mammal be seriously injured or killed as a result of deterrence efforts to protect property, gear, or catch.

Be aware of people around you and be courteous: The use of some of these methods may precipitate undesirable social interactions. *Other members of the public may take issue with your efforts to deter nuisance pinnipeds, or, for example, if you are in possession of a firearm, law enforcement officers approaching your property or vessel may assume that your firearm is loaded with lethal ammunition.*

If you have questions about protecting your property and/or fishing gear and catch from nuisance pinnipeds, please contact our marine mammal specialists located in Seattle, WA (Lynne Barre, 206-526-4745); in Portland, OR (Robert Anderson, 503-231-2226); and in Long Beach, CA (Penny Ruvelas, 562-980-4197 or Laura McCue, 562-980-3232).

Remember personal safety: Attempts by property owners and/or fishermen to deter nuisance animals from engaging in unwanted behaviors using non-lethal means is a personal choice and not without risk (to the person deterring the nuisance animal(s) and anyone around them). Sea lions and seals are wild animals that may react unpredictably to non-lethal deterrence measures, resulting in personal injury or additional damage to property. California sea lions in particular are large and powerful animals that can be aggressive and can move as quickly as a person on land.

Individuals attempting to deter nuisance sea lions and seals do so at their own risk.

POTENTIAL DETERRENCE METHODS:

No single non-lethal deterrence method is known to be universally effective in discouraging seals and sea lions from engaging in problem behaviors.

Start with a less-invasive technique first. If it no longer effectively deters an animal, choose a new method.

Examples:

- Barriers and Exclusion Devices (e.g., fencing)
- Noise Makers (e.g., horns, pingers, cowbell)
- Visual Repellents (e.g., flags, lights, human presence)
- Physical Contact (e.g., crowder boards, paint balls, water spray)

For additional examples of deterrence methods that have been effective in the past, see [methods](#).

WARNING: Some methods may not be appropriate for use in some areas, or are subject to prohibition under federal, state, or local ordinances (e.g. pyrotechnics). The use of certain methods should be avoided in the presence of species (marine mammals, sea turtles, or fish) listed as threatened or endangered under the Endangered Species Act (ESA). Please consult with appropriate authorities to determine if such prohibitions exist in your area, or if ESA-listed species may be encountered.

REMEMBER: When attempting to deter these animals, you are **not allowed** to seriously injure or kill them (e.g. no open wounds, avoid impact to the animals' eyes and face, etc). Causing serious injury or mortality to any marine mammal is subject to prosecution under the MMPA.

METHODS TO AVOID:

The following methods/devices have an increased likelihood of causing injury or death and should be *avoided*.

- **No** Firearms with “live” (lethal) ammunition (including metallic or glass projectiles: e.g. BBs, marbles)
- **No** Devices with Injurious Projectiles (e.g., archery gear, crossbows, spear guns, bangsticks)
- **No** Sharp/Pointed Objects (e.g., harpoons, spears, gaffs, nail studded bats/poles/clubs)
- **No** Entangling Devices in water or on land (e.g., loose webbing, snares, concertina wire)
- **No** Aggressive Tactile Methods (e.g., striking animals with bats, hammers, etc.; ramming with vehicles or boats)
- **No** Tainted Baits or Poisons
- **No** Guard Dogs (Guard dogs should be avoided as a deterrent method because of risks to both dogs and marine mammals, including the potential risk of disease transmission between them).

The “Potential Deterrence Methods” and “Methods to Avoid” lists are not exhaustive lists.

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