



## **DRAFT Whale SENSE Program Framework for 2011**

### **SENSE Program Coordinators:**

- Allison Rosner, NOAA's Fisheries Service Northeast Regional Office, Protected Species Division. Phone: 978-282-8462. Email: Allison.rosner@noaa.gov
- Regina Asmutis-Silvia, Whale and Dolphin Conservation Society. Phone: 508-746-2522. Email: regina.asmutis-silvia@wdcs.org
- Nathalie Ward, Stellwagen Bank National Marine Sanctuary. Phone: 781-545-8026. Email: Nathalie.ward@noaa.gov

### **SENSE Program Partners:**

NOAA's Fisheries Service, NOAA's Stellwagen Bank National Marine Sanctuary, and Whale and Dolphin Conservation Society.

### **Part 1. Mission of the Program**

The mission of Whale SENSE is to promote responsible stewardship of large whales in the Northeast Region and recognize commercial whale watching companies that set a positive standard for responsible practices and education. This program is voluntary and offered to participating companies at no charge. The acronym SENSE stands for **S**tick to NOAA's Northeast whale watching guidelines; **E**ducate naturalists, operators, and guests to have SENSE when whale watching; **N**otify appropriate networks/agencies of right whales or whale problems; **S**et an example to others on the water; **E**ncourage ocean stewardship. Participating companies will be included on the list of program participants and allowed to display the Whale SENSE logo on their vessels, ticket booths, and advertisements.

The purpose for developing this program is to:

- minimize the potential harassment of large whales that may result from commercial viewing activities;
- reduce expectations of members of the public arising from wanting to closely interact with large whales in a manner that may cause harassment (e.g., pressuring commercial vessels to intentionally approach animals in a manner that does not adhere to NOAA's Northeast

Regional Whale Watching Guidelines);

- reduce the potential causes of large whale harassment in the northeast including high density of boats in a small area, inexperience operating vessels around whales, lack of education about guidelines/regulations and laws among commercial operators, lack of awareness about large whale behavior and signs of disturbance;
- increase reliable and consistent messaging to whale watching passengers; and
- ensure participating whale watching companies emphasize a conservative, respectful and educated approach to whale watching.

***Whale SENSE 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 continue to be dealt with through the appropriate law enforcement agency.***

The program partners to this agreement are the NOAA's National Marine Fisheries Service (NOAA's Fisheries Service), NOAA's Stellwagen Bank National Marine Sanctuary (SBNMS), and the Whale and Dolphin Conservation Society (WDCS). Although they are not program partners, it is important to note that the program was developed in collaboration with northeast region whale watching companies. The companies played a significant role in the development and advancement of this program.

## **Part 2. Program Goal and Objectives**

The goal of the program partners 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 marine mammal viewing practices, whale behavior and biology/ecology, the laws and guidelines protecting whales, and stewardship of the marine environment. Objectives in support of this goal are:

- A. develop criteria that will assist participants in achieving voluntary compliance with legal requirements, policies, and guidelines, as well as best practices aimed at preventing harassment of large whales;
- B. develop outreach and education materials to ensure participants' awareness of the issues

surrounding whale conservation and how to promote large whale conservation by preventing harassment;

- C. promote marine stewardship and ocean literacy;
- D. determine the program's overall effectiveness in the Northeast Region by developing an evaluation component to measure adherence to the program criteria; and
- E. establish a platform for public recognition of operators complying with the program criteria.

### **Part 3. Eligibility for Program Recognition**

The following businesses will be eligible to participate in the Whale SENSE program:

- A. Phase 1 (beginning 2009): Businesses conducting commercial whale watching tours from the Northeast Region (ME to VA) with a pilot program emphasis on Massachusetts, New Hampshire and Maine coastal communities.
- B. Phase 2 (beginning 2013): Businesses conducting commercial whale watching tours from other states in the Northeast region and booking agents (hotels, booths, web concierges, and free-standing booths). Criteria for this component of this program is TBD.

### **Part 4. Criteria for Whale SENSE Participants**

*Note: Participation in the Whale SENSE 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 law violations are discovered.*

#### A. Commercial Operators

*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. Passengers should be encouraged to ask businesses if they maintain current inspection, license, and insurance documentation.*

*For Charter businesses that take customers to view whales but also conduct other types of charters, such as fishing trips and ferry services: Whale SENSE participants agree to follow the program criteria if they encounter whales, even if they are running another type of charter when the encounter occurs.*

1. Conduct Educational Briefing Onboard Vessel
  - a. Prior to viewing large whales, naturalists/interpreters/narrators conduct an educational onboard briefing about the Whale SENSE program. The briefing should include what the program is, why it is important, and the code of conduct that participants agree to follow, the program partners, as well as where additional educational information can be obtained. Participants will be provided with a “script” to guide the onboard briefing but may paraphrase information as they see fit.
  - b. If the vessel enters the boundaries of Stellwagen Bank National Marine Sanctuary, naturalist should brief passengers on the Sanctuary’s ecological and historical significance (see Stellwagen Bank National Marine Sanctuary Fact Sheets provided in Naturalist Binder).
  
2. Distribute Outreach Materials
  - a. Make outreach materials promoting program objectives available to customers. Program partners will supply outreach materials at no charge.
  
3. Post Northeast Regional Whale Watching Guidelines Onboard Vessel
  - a. Post a graphic, description, or official NOAA’s Northeast Whale Watching Guideline brochure in an area accessible for public viewing. Program partners will supply these materials upon request at no cost.
  
4. Comply with Applicable Laws and Report Injured, Dead or Entangled Whales, North Atlantic Right Whale Sightings and Potential Violations
  - a. Comply with all applicable resource protection laws and regulations (e.g. Marine Mammal Protection Act, Endangered Species Act, Right Whale Minimum Approach Regulations, Right Whale Ship Strike Reduction Speed Restrictions).
  - b. Report ship struck, stranded, injured, dead, or entangled marine mammals to the NOAA’s Stranding & Entanglement Hotline: 1-866-755-NOAA (6622), local stranding or disentanglement network partner, or USCG via CH-16 . When possible,

stand by and keep the whale in sight or arrange for another vessel to maintain sight of the whale.

- d. Report North Atlantic Right Whale Sightings (see Right Whale Reporting Form): 1-978-585-8473 (pager).
  - e. Report Marine Mammal Protection Act and/or Endangered Species Act violations to NOAA's Office of Law Enforcement's hotline: 1-800-853-1964. (***Note: Whale SENSE 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 continue to be dealt with through the appropriate law enforcement agency and will not be dealt with through the SENSE program.***)
  - f. Keep important contact information readily available in the wheelhouse.
5. Follow NOAA's Established Policies, Guidelines, and Recommendations to Prevent Harassment
    - a. Follow NOAA's Fisheries Service 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. NOAA's Fisheries Service 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."*
    - b. Utilize best practices and follow NOAA's Fisheries Service Northeast Regional Marine Mammal Viewing Guidelines (listed in Appendix 1) to the best of vessel's operational ability.
  6. Voluntarily Exceed Standards Specified by Law, Policies, and Guidelines to Prevent Harassment and Promote Stewardship
    - a. Company agrees to create and/or participate in project exemplifying marine stewardship. Projects may include (but are not limited to):
      - participation in marine debris and beach clean-ups, recycling, and/or vessel wastewater pump-out;
      - sponsorship of internship program;
      - providing a consistent and documented research platform for marine mammal

researchers from accredited academic institutions, federal or state agencies, or non-profit organizations;

- hosting educational talks at a local library; or
- creating a new stewardship project (prior approval required from Whale SENSE Coordinators)

## 7. Participate in SENSE Training

- a. Operators, captains, and naturalists/interpreter/narrators will participate in training provided by the program partners to attain an accurate knowledge standard on laws protecting large whales, large whale viewing etiquette, natural versus disturbed behaviors, research and conservation messaging, anthropogenic interaction, and reporting.
- b. Owners/managers agree to ensure all naturalists, operators, and captains will be trained according to program standards. The SENSE Coordinators will arrange training sessions and provide necessary materials to participants to ensure that all company operators, captains, and naturalists/interpreter/narrators will be trained according to the program standards.

## 8. Engage in Responsible Advertising<sup>1 2</sup>

- a. Engage in responsible advertising that promotes responsible wildlife viewing.
- b. Follow NOAA's Fisheries Service's "Recommendations for Advertising Wild Marine Mammal Viewing" (contained in participant's handbook):
  - Do not depict people touching, pursuing, chasing, attempting to swim with, or closely interacting with wild marine mammals or any activities that would violate the MMPA or ESA or other regulatory measures.
  - Do not show vessels underway within close approach zones (e.g. vessels with wakes).

---

<sup>1</sup> "Advertising" includes any print advertisements that mention the business's 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

<sup>2</sup> The advertising guidelines 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 marine mammals.

- Include a prepared statement or photo caption about responsible large whale viewing in advertisements with close approach pictures.
- Right whales will not be shown in images with vessels within 500 yards.
- If right whale images (i.e. whale with no boat) are used, a photo caption referencing the 500 yard approach restriction must be included.

*Note: Participants will be encouraged to familiarize themselves with the Federal Trade Commission's rules for "truth-in-advertising" to ensure advertisements are truthful and non-deceptive about marine mammal viewing experiences. Participation in this program does not ensure adherence to the Federal Trade Commission's advertising policies*

#### B. Booking Agents (Phase 2)

1. To be determined.

### **Part 5. Process for Program Participation**

#### A. Recognition

Upon successful completion of training and evaluation, applicant will be included on the list of program participants and receives all program materials and decal with Whale SENSE logo to display on their vessels, ticket booths, and/or advertisements.

#### B. Initial Evaluation

1. Business owner or manager indicates to NOAA's Whale SENSE Coordinator the desire to become Whale SENSE participant.
2. NOAA's Whale SENSE Coordinator provides business owner/manager with a checklist of Whale SENSE program components and criteria, as well as materials to help the business prepare for an evaluation before Coordinator confirms company participation and recognition.
3. Following the training, business owner/manager reviews checklist of Whale SENSE program components and criteria and ensures their practices comply.
4. When prepared, business owner/manager contacts NOAA's Whale SENSE Coordinator to request an initial evaluation to ensure their business is following the program criteria.
5. Evaluation occurs within four weeks of request.

6. NOAA's Whale SENSE 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.
7. A Whale SENSE Coordinator meets with participant at the business site on a mutually convenient date to review evaluation checklist.
8. A Whale SENSE Coordinator observes a complete whale watching charter to ensure the briefing includes educational information, and that the captain, operator and other staff (when applicable) are following program criteria.
9. NOAA's Whale SENSE Coordinator will compile all evaluation components.
10. Coordinator will provide initial evaluation results to participating company within two weeks of site visit and review of information.
11. Following successful completion of the evaluation, the owner/manager becomes an official Whale SENSE participant. The participant also receives recognition materials (see paragraph C below for more details) from the program partners and is included, as feasible, on all Whale SENSE materials and websites.
12. If the company does not meet all program criteria following the initial evaluation, the NOAA Whale SENSE 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. Whale SENSE Coordinators provide technical assistance when possible. After reviewing the evaluation and making any suggested changes, the owner/manager contacts the NOAA Whale SENSE coordinator to arrange for a re-evaluation. The re-evaluation will be scheduled no later than two weeks after the request is made<sup>3</sup>.

C. Initial Training Workshop (to be in person first year of program participation)

1. SENSE Program partners conduct an initial training workshop to ensure all participants understand the program criteria, applicable rules/regulations, responsible viewing practices, basic species information and relevant whale research.
2. Training will be conducted for each company, as the company enrolls (if multiple companies in

---

*3 If the request is made within one month 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 one month after the initial evaluation, a full evaluation will be conducted.*

an area enroll, a combined training session will be arranged). Additional training materials will be provided to the company to ensure employees added after the initial training receive adequate training.

3. Outreach and educational materials necessary for program participation and employee training will be provided to participants at no charge. These may include, but are not limited to:
  - a. Participation handbook (1 printed version per vessel, CD version provided to all operators and captains):
    - Whale SENSE program framework & list of program evaluation criteria;
    - NOAA's Fisheries Service policy statement;
    - NOAA's Northeast Region Marine Mammal Viewing Guidelines;
    - Handouts of applicable laws;
    - List of pertinent websites;
    - Contact information for reporting strandings, entanglements, and right whale sightings;
    - Pertinent literature on whale watching research.
  - b. Naturalist Handbook (*currently in development*) (1 printed version per vessel, CD version provided to each naturalist)
    - Fact sheets on various topics of interest related to large whale biology, ecology, and conservation.
  - c. Interactive website for training to be used for additional personnel and for years of program enrollment following initial year (*currently in development*):
    - This training module will provide all appropriate personnel with standardized program training by providing an explanation of all components of the framework, how to adhere to guidelines, and identify disturbed or stressed whale behaviors. It will also provide a consistent means of training new personnel. After successful completion of the online course, employees will be able to print out a certificate indicating completion of the Whale SENSE online training.

#### D. Annual Evaluation

1. 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 Whale SENSE participant. The goal of annual evaluation is to ensure that the Whale SENSE criteria are followed, not to eliminate participants from the program. Therefore, the focus of the annual evaluation process is to provide participants with constructive feedback related to meeting the Whale SENSE criteria. While program participants are expected to adhere to NOAA's Northeast Whale Watching Guidelines to the best of their ability, many of the guidelines will not be observable by the evaluator. Therefore, program staff will modify the evaluation portion to include easily observable operational guidelines and naturalist criteria only. All Whale SENSE participating companies conducting regular whale watching trips, regardless of how many vessels and captains are associated with their business, will be evaluated at least once per year. Whale SENSE Coordinators ensure volunteers conducting Whale SENSE evaluations will be rigorously trained and screened to ensure objectivity and accurate assessment.

2. A Whale SENSE program coordinator or volunteer who, trained through a Whale SENSE Evaluation Training Program, will conduct the annual evaluation. Evaluation techniques may include, but are not limited to:
  - a. Ride-along by a Whale SENSE Coordinator or trained volunteer. All companies will be notified that evaluations will be conducted during a two-week time span. The evaluator will then identify him/herself on the day of the evaluation to the crew prior to the trip's commencement.
  - b. Customer evaluation.
  
3. Annual Evaluation Process:
  - a. The volunteer or SENSE Coordinator will book and attend a regularly scheduled charter. The volunteer or SENSE Coordinator will evaluate the charter for adherence to the Whale SENSE program criteria using a standard, predetermined reporting form. The evaluator will base the operator/captain evaluation on the first whale sighting, and then a randomly selected additional whale sighting that occurs later in the trip.
  - b. At the conclusion of the charter, the volunteer will review the evaluation results, noting any areas of concern. The volunteer will notify the operator, captain, and/or naturalist that (s)he will receive a copy of the evaluation results via mail, fax or email, which ever

- the owner/manager prefers. The volunteer will explain the process for evaluation review and how the naturalist/operator/owner/manager can challenge the findings if (s)he disagrees with any observations or conclusions contained in the report by providing a copy of excerpts from the Whale SENSE Framework Part 5 (D).
- c. If an evaluator observes what he/she believes to be a federal violation he/she may contact the appropriate agency to report the incident.
  - d. The volunteer will provide the evaluation form to NOAA's Whale SENSE Coordinator, who will forward a copy to the participant. If the program deviation is in regards to vessel operation, is not related to federal law violation, and is disputed by the operator at the conclusion of the trip, the NOAA's Whale SENSE Coordinator will forward the evaluation to the Operation Evaluation Panel for a more detailed review.
    - i. Operation Evaluation Panel: Any activity or vessel behavior suspected of representing a program violation (not federal violation) and disputed by the operator will be reviewed by an evaluation panel consisting of program partner representatives (NOAA's Fisheries Service, NOAA's Stellwagen Bank National Marine Sanctuary Program, and Whale and Dolphin Conservation Society) and an independent third party representative who has experience operating whale watching vessels but is not currently employed by a northeast whale watching company (TBD). The name of the company and operator will be blacked out during the panel review to minimize bias among parties not involved with conducting the onboard evaluation. The panel will make a determination on whether or not the action represented the most reasonable course of action given the specific circumstances of the situation (ex. weather may influence vessel changes in behavior that may not coincide with program criteria, but may be necessary for safety reasons).
4. If any areas of deviation from the program criteria are noted, the participant has 30 days to revise their practices. The Whale SENSE Coordinators will be available for technical assistance as necessary. Participant re-evaluation will occur after the 30-day timeframe mentioned above through an unannounced spot check, second volunteer evaluation, meeting with Whale SENSE program coordinator, or pre-arranged ride-along by the program

coordinator, volunteer, or third party. The participant will not receive SENSE decals for the new program year until they are determined to have revised their practices to meet the Whale SENSE criteria. Only a current-year decal indicates active participation in Whale SENSE.

5. If a Whale SENSE participant disagrees with the findings of an annual evaluation, the participant may submit a written description of the discrepancy to NOAA's Whale SENSE Coordinator. After reviewing both accounts, NOAA's Whale SENSE Coordinator will decide if the participant did not satisfy the criteria, triggering the process in "4" 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.
6. Government funds or grant funding administered by the government or partner organizations will cover the cost of trips taken by Whale SENSE evaluators to evaluate program participants.
7. Participants are welcome and encouraged to provide feedback on the evaluation process to the SENSE Coordinators at all times.
8. Additional spot-checks may be carried out on a random or unannounced basis to ensure that all participants continue to meet the program criteria.
9. Complaints from the public or other program participants that a participant is not following program criteria will be handled according to the procedure described in Section 6, below.
10. If the participant fails to revise their practices to meet the Whale SENSE standards, they agree to remove the SENSE logo from their vessel and advertisements.

#### E. Refresher Training

1. Each company must schedule a refresher training session within 1 month of tour operations beginning each year. If additional staff is brought on after this date, the company point of contact must notify a Whale SENSE Coordinator of the late arrivals and coordinate additional training sessions or alternative training methods with Whale SENSE Coordinators to make sure all staff are fully trained.
2. All training participants will be asked to complete a questionnaire at the end of the training to be used in program evaluation and effectiveness.

#### F. Annual Renewal

1. Recognition materials, such as vessel decals that publicize participation in the program, display the current year (similar to vessel registration stickers).
2. Only a current-year decal indicates active participation in the Whale SENSE program. Recognition for all Whale SENSE participants automatically expires at the end of each calendar year.
3. New decals are distributed starting in May each year to participants who:
  - a. Successfully complete the annual evaluation and address potential problem areas found, in accordance with part “D” above.
  - b. Complete the required annual refresher training prior within one month of the whale watching season commencement for that company. All additional personnel must complete the refresher as they assume their duties during the season.
4. Whale SENSE public awareness materials will be updated as appropriate to reflect the current list of participants.

### **Section 6. Complaints Procedure**

The following procedure establishes a process to address complaints received by the program partners about Whale SENSE participants not meeting the program criteria.

#### A. Telephone/verbal complaints

1. A record of the conversation will be made and the complainant asked to put their concerns in writing. The complainant will be advised that a copy will be provided to the participant against whom the complaint was made. The procedure for written complaints then applies. No further action will be taken unless a signed, written complaint is received.

#### B. Written complaints

1. Complaints will be date stamped and copied to NOAA’s Whale SENSE Coordinator.
2. The NOAA’s Whale SENSE Coordinator will assess whether the complaint relates to the program’s criteria not being followed. If the complaint does not relate to the program criteria, no further action will be taken.
3. If the complaint does relate to the SENSE program criteria, NOAA’s Whale SENSE

Coordinator will forward a copy of the complaint to the participant involved, outlining the main points of the complaint and requesting a response.

4. Whale SENSE Coordinators will review the participant's response and consider whether or not the points have been adequately addressed. This may involve the need for a meeting with the participant to clarify any points.
5. If the Whale SENSE Coordinators determine that the participant has deviated from the program criteria, they will be given 30 days to address areas of concern. The participant is then re-evaluated through an unannounced spot-check, a meeting with a Whale SENSE Coordinator or pre-arranged ride-along. The program coordinators will select the most appropriate evaluation method.
6. If a second complaint is received within one year, the participant undergoes additional evaluation in accordance with the procedures described in "5" above.
7. If three valid complaints are received and upheld within one year, the participant will be ineligible for the Whale SENSE program for one year. The participant will be removed from Whale SENSE program materials when feasible and will not receive annual renewal decals.
8. The participant may request re-evaluation and renewed participation after one full year of nonparticipation. *\*Note: If any complaint that is investigated by NOAA Office of Law Enforcement as a take under the Marine Mammal Protection Act, Endangered Species Act or National Marine Sanctuary Act results in a judgment against the participant, the participant is dropped from the Program. Future reinstatement will be at the discretion of the SENSE program partners.*

### **Section 7. Program Framework Review**

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

- A. Between August and October of each year, Whale SENSE participants will be notified that the annual criteria review is commencing based on solicited input from participants, the public, and other appropriate parties on proposed revisions or additions. The comment timeframe is announced through e-mails or letters to participants and an announcement (not paid advertising) in local media.

- B. Whale SENSE Coordinators review input from participants and others, along with any internal proposals, and complete a new draft of the framework if necessary.
- C. In October, the new draft framework will be circulated among participants for comment, with 30 days for responses.
- D. By October 31th each year, comments are reviewed, and the revised final framework provided to participants.
- E. Participants agree to abide by all amendments to the Whale SENSE criteria.
- F. Program participants have three months to ensure their printed materials meet the revised criteria. As of January 1st each year, the revised criteria will be used for all participant evaluations.

### **Section 8. Educational Component**

#### A. Education/Outreach Materials

Developing outreach and educational materials to provide to the general public facilitates support of whale stewardship in the Northeast region. As feasible, Whale SENSE partners will develop outreach and education materials to meet SENSE participants' stated outreach needs. Suggested outreach materials include (pending funding availability):

- Placards or brochures with activity specific viewing guidelines.
- Handouts on life history of large whales and other local species.
- Placards with “scripts” for on board briefings.
- Fact sheets explaining the program.
- Fact sheets on pertinent ecological information.

#### B. Continuing Education

1. Whale SENSE partners will present program framework updates during the annual review.
2. Whale SENSE partners may conduct additional educational workshops, upon request by the program participants, on relevant topics of interest, such as local research.

### **Section 9. Creating Awareness of the Whale SENSE Program**

All program partners will engage in activities intended to raise public awareness of this program and the importance of responsibly viewing large whales. These activities may include (but are not limited to):

- A. Posting information on their websites about the Whale SENSE program, and a list of current participants.
- B. Conducting outreach about the Whale SENSE program in various publications.
- C. Working with other organizations to promote the importance of the Whale SENSE program through their websites and applicable publications.
- D. Recognizing SENSE program participants through Whale SENSE 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 Whale SENSE logo in advertisements that meet the Whale SENSE advertising criteria as outline earlier in the document, and must remove the logo if dismissed from the program.

## Appendix 1.

# NOAA's Northeast Region Marine Mammal Viewing Guidelines

**For Large whales (other than North Atlantic right whales):**

**2 Miles to 1 Mile Away from Whales:**

- Reduce speed to 13 knots
- Post a dedicated lookout to assist the vessel operator in monitoring the location of all marine mammals
- AVOID sudden changes in speed and direction
- Aircraft should maintain a minimum altitude of 1,000 ft over water.

**1 Mile to ½ Mile Away from Whales:**

- Reduce speed to 10 knots

**½ Mile or Less Away from Whales:**

- Reduce speed to 7 knots
- AVOID Head on approach

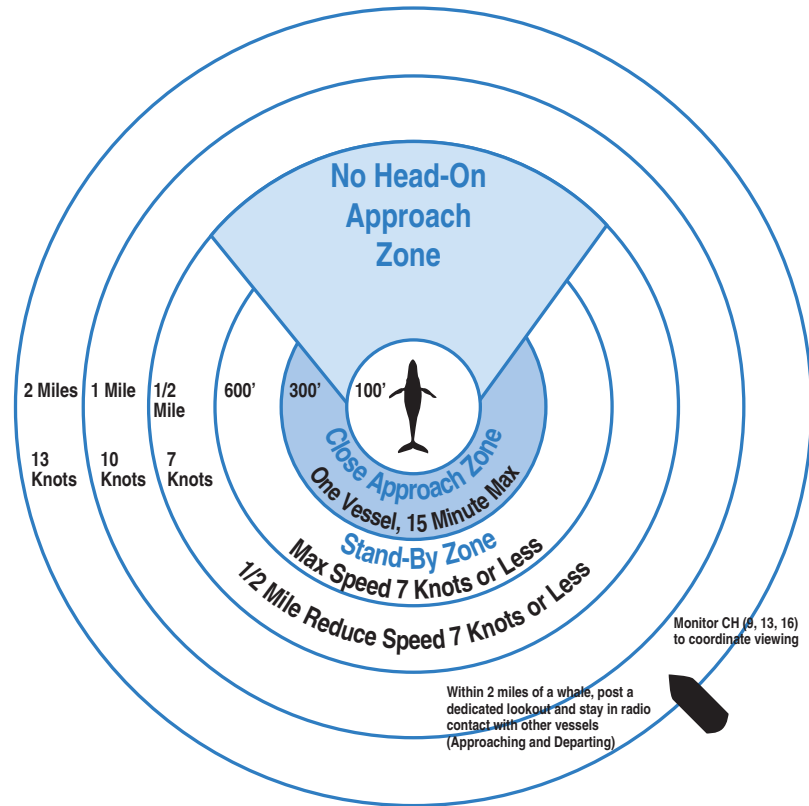
**300 Feet to 600 Feet Away (Standby Zone):**

- Two vessel limit within the 300-foot to 600-foot Stand-By Zone at any one time

**600 Feet or Less Away from Whales (CLOSE APPROACH PROCEDURE):**

- PARALLEL the course and speed of moving whales up to the designated speed limit within that distance.
- NEVER attempt a head-on approach to whales.
- Do not approach within 100 feet of whales. If whales approach within 100 feet of your vessel, put engines in neutral and do not re-engage propulsion until whales are observed clear of harm's way from your vessel.
- Approach and leave stationary whales at no more than idle or "no wake" speed, do not exceed 7 knots.
- NEVER intentionally drift down on whales.
- Maintain communication. Vessels in multi-vessel approaches should communicate with each other (via marine VHF channels such as 9, 13, or 16 for hailing) to coordinate viewing.
- Take into account the presence of obstacles (vessels, structures, fishing gear, or the shoreline). All

vessels in close approach must stay to the side or behind the whales so they NEVER box in the whales or cut off their paths.



### Additional Guidelines

- All vessels should leave the whales following the same speed and distance procedures described above.
- In order for vessels to be clear of whales before dark, vessels should cease whale watching, be clear of the day's known whale sightings, and begin their return to port 15 minutes before sunset.
- Avoid engaging in viewing activities or associated activities that have the potential to cause harassment of large whales, such as maneuvering boats in a manner that alters the animal's behavior.
- Avoid vessel operations that separate mothers and calves.
- Slowly depart area if marine mammals display signs of disturbance or avoidance.

### For North Atlantic right whales:

Follow applicable right whale approach and speed regulations:

- Never approach a North Atlantic right whale within a 500 yard (1500 ft) buffer. Any vessel accidentally finding itself within this buffer zone should slowly and safely depart the area while maintaining a lookout.
- If vessel is over 65 ft in length, adhere to right whale speed restrictions when transiting management areas.
- If a North Atlantic right whale entanglement is suspected, a vessel may request NOAA's approval for a close approach to document and stand by the animal until the disentanglement/rescue team arrives by calling the NOAA's Marine Mammal Stranding and Disentanglement hotline: 1-866-755-NOAA or if in Massachusetts, a vessel may also contact the Provincetown Center for Coastal Studies Disentanglement Hotline: 800-900-3622.

**For Dolphins, Porpoises, and Seals:**

- Vessels should remain a respectful distance from dolphins, porpoise, seals, and sea turtles with a recommended distance of 50 yards.
- NEVER attempt to feed marine mammals including: whales, dolphins, porpoises, or seals. This would be a violation of the Marine Mammal Protection Act and therefore is illegal.

