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THEME 4

# WHALE WATCHING



# ACTIONS BEING UNDERTAKEN BY SBNMS TO LIMIT IMPACTS OF WHALE WATCHING

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Stellwagen Bank National Marine Sanctuary



# Whale Watching in Stellwagen Bank National Marine Sanctuary

*Dave Slocum, SBNMS Vessel Operations Coordinator*  
*Dr. Tammy Silva, SBNMS Research Marine Ecologist*

Marine Mammals Twinning Workshop 2023

# Our experience

Dave Slocum



20 years as a Captain onboard commercial whale watching vessels

Tammy Silva



8 years as a naturalist onboard commercial whale watching vessels

# Summer in the Sanctuary







# Also Summer in the Sanctuary













# History of Whale Watching

- 1970s - Birth of East Coast whale watching
  - Dolphin Fleet-Provincetown, MA
    - Fishermen
- Commercial whale watching supports early whale research (Center for Coastal Studies, Provincetown)
- Many whale researchers are naturalists, adding value to passenger experiences - valuable partnership in research, education, & conservation
- 1984-whale watching guidelines established by ad hoc committee of captains, naturalists, scientists
- 1999 - guidelines revised in response to harassment & whale watch vessel strikes



# History of Whale Watching

- Data collected from whale watching vessels have made significant contributions to understanding and conservation of whale populations
  - calving & reproduction
  - site fidelity
  - vital rates
  - stock identification
  - habitat uses
  - movement patterns & migration
  - human impacts
- Sightings from whale watching vessels helped identify Stellwagen Bank as an important feeding ground and formed the basis for its sanctuary designation



# Whale Watching Today

- 8 commercial companies visit the sanctuary
- 6-400+ passengers
- Commercial vessels mostly 80-120 ft long
- Substantial recreational whale watching
- Almost all companies have an education and/or internship program that includes data collection
- Generates \$182 million in annual economic activity & supports 1,400 jobs



# U.S. Marine Mammal Laws

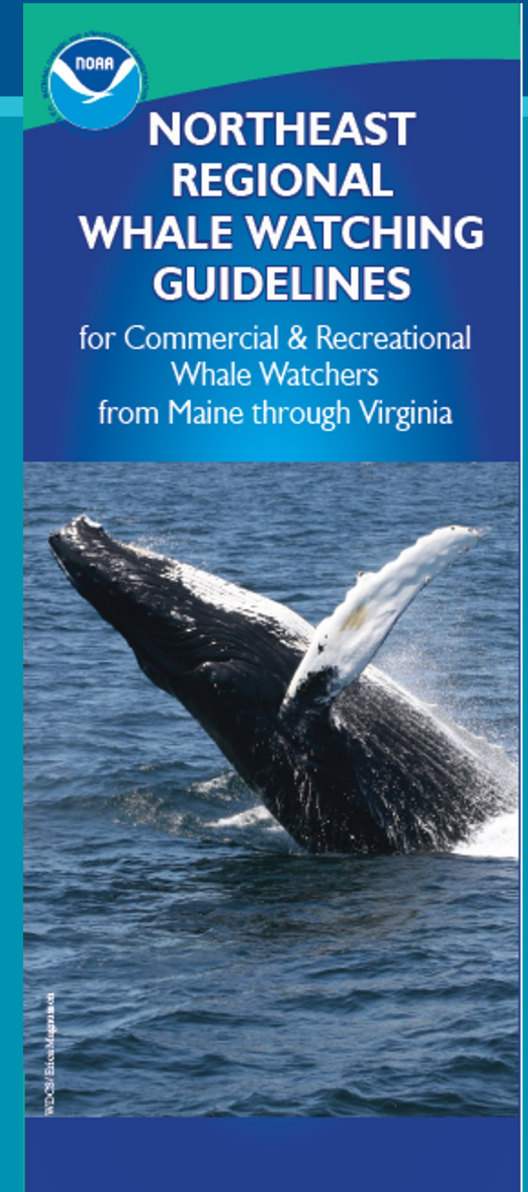
- Marine mammals in the U.S. are federally protected by the:
  - Marine Mammal Protection Act (MMPA)
  - Endangered Species Act (ESA)
- Under MMPA & ESA it is illegal to harass marine mammals
- Harassment = any act that has potential to injure / disturb a marine mammal by interrupting or changing behavior
- Violations of MMPA or ESA may result in civil or criminal penalties up to \$50,000, forfeiture of vessel, up to 1 year in prison





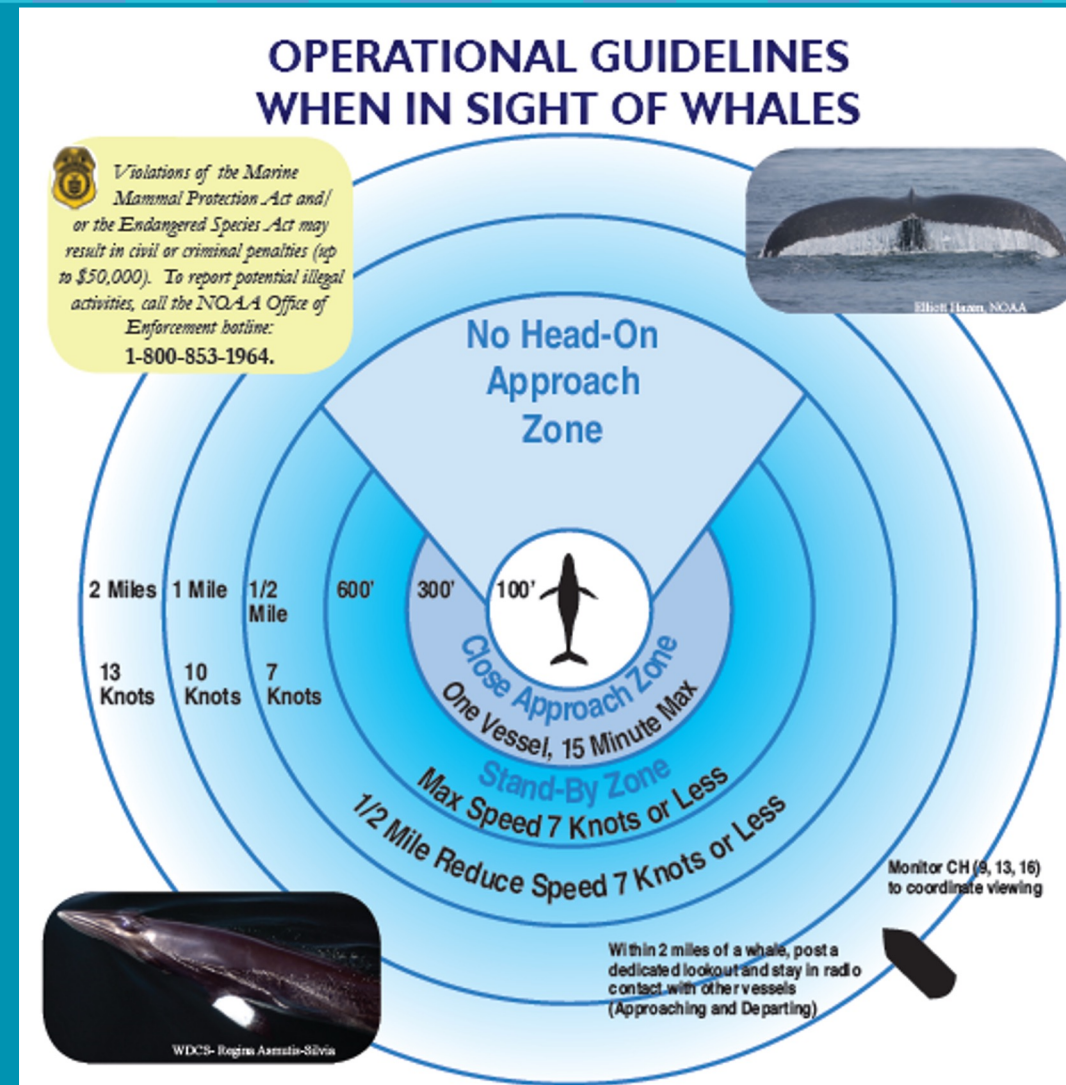
# U.S. Northeast Whale Watching Guidelines

- Guidelines intended to help boaters avoid:
  - harassing marine mammals
  - violating the law
  - potentially injuring the whales
- Created by NOAA Fisheries (1984, revised 1999)
- Voluntary
- Unenforceable
- Federal approach and distance regulations only for North Atlantic right whales
  - Approach prohibited within 500 yards
  - Seasonal speed restrictions



# U.S. Northeast Whale Watching Guidelines

- Contact / maintain communication with nearby vessels to coordinate viewing
- Post a lookout within 2 miles of whales / whale watching vessels
- Do not approach whales head-on
- Parallel the course and speed of moving whales
- Stay to the side or behind whales so as not to cut off their path or box in whales
- Do not intentionally drift down on whales
- Do not separate a mom and calf
- No intentional approach within 100 ft (Close Approach Zone; 1 vessel limit)
- 2 vessel limit within Stand-by zone (300-600 ft)
- If whales approach your vessel within 100 ft, put engines in neutral until whales are a safe distance away
- Approach and leave whales at no more than idle or “no wake speed”



# See A Spout? Watch out!

An outreach program for recreational boaters

1. See A Spout? Watch Out!



2. Head On Is Wrong!



3. Lots of Boats, Then Talk to Folks!



4. Avoid Trouble, Steer Clear of Bubbles



5. Don't Chase, Give the Whales Space



6. Drop Your Sails When Watching Whales



7. V-shaped Blow? Right Whale Below!



Zoom in (Ctrl+Plus)



Responsible Boating  
Around Whales  
Is Up To You!

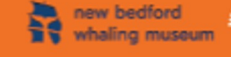


Seeing whales can be a special experience during a day on the water. Boating responsibly is important to keep whales, yourself, and your passengers safe from accidental collisions.

Follow the See a Spout guidelines to keep everyone safe while in the presence of some of the ocean's greatest wonders!

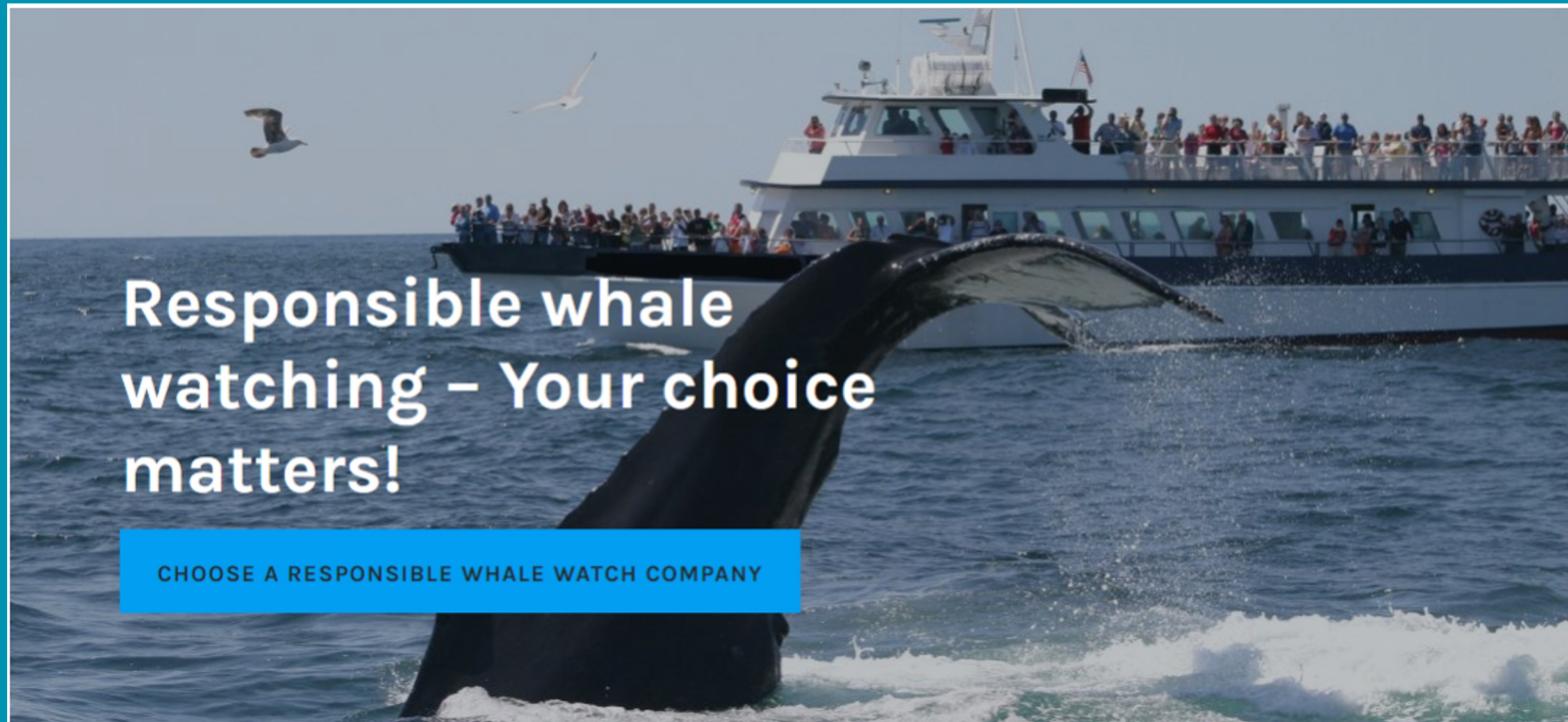
[www.seaspout.org](http://www.seaspout.org)

Sponsored by:



# Whale Sense

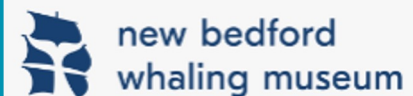
- Voluntary education & recognition program for commercial whale watching companies
- Recognizes companies that are committed to responsible whale watching practices



# Whale Sense

Participating companies agree to:

- All staff complete annual training & evaluation
- Complete annual ocean stewardship project
- Ensure advertising follows responsible viewing practices
- Adhere to program criteria
- Promote whale SENSE



# Boater Outreach for Whale Watching (BOWW)

- Initiated in 2016
- Goals:
  - Provide on the water outreach to recreational boaters about safe whale watching
  - Establish a visible presence within SBNMS



# BOWW at the New England Boat Show



# Why guidelines and not regulations?

- Guidelines were less confrontational, less costly, more flexible, takes advantage of local knowledge and user expertise
- No appetite for regulations in 1990s
  - All stakeholders wanted Involvement, discussion, cooperation
- Push-back from whale watching industry
  - Ability to self-regulate
  - Skilled in spotting and maneuvering around whales, rules not needed
- Regulations require monitoring and enforcement - no resources
- Current guidelines are too complex for regulations/enforcement



# Do operators comply with guidelines?

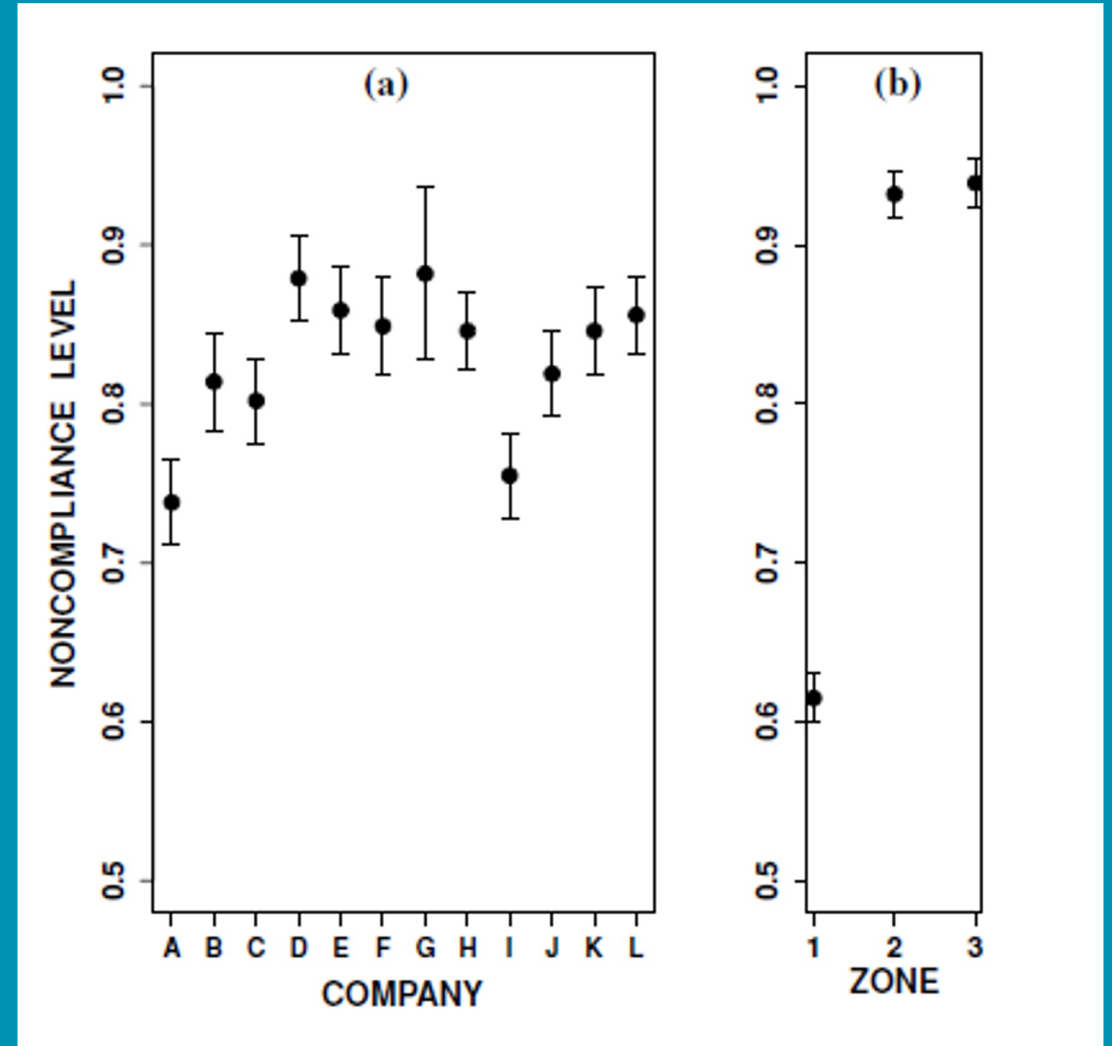
Contributed Paper

Conservation Biology 

## Effectiveness of Voluntary Conservation Agreements: Case Study of Endangered Whales and Commercial Whale Watching

DAVID N. WILEY,\*†† JUST C. MOLLER,\* RICHARD M. PACE III,† AND CAROLE CARLSON‡§

- All companies greater than 70% noncompliance
- Noncompliance significantly higher outer zones
- Note: company averages - not individual operators



# Reconsidering whale watching regulations...

- There's a lot going on!
  - Feeding & resting whales
  - Commercial & recreational whale watching
  - Commercial & recreational fishing
  - Recreational boating
  - Substantial noise
- Frequent & routine violations of MMPA in SBNMS
- Hawaii and Alaska have approach regulations
  - Prohibits approaching humpback whales within 100 yards or 1000 ft in aircraft (Hawaii only)
- Approach regulations in SBNMS? Needs to be simple and enforceable



Boston Harbor City Cruises

# Whale Watching Management Plan Actions

## *Objective 1.1: Reduce threats to key species and marine habitats*

### **Marine Mammal Protection Action Plan**

**Action Plan Goal:** Understand the vulnerability of marine mammals to human activity, and if needed, develop and implement mitigation activities.

### **Strategy MP-5: Expand whale watch education programs, including Boater Outreach for Whale Watching (BOWW), Whale SENSE, and See A Spout program to reach more recreational boaters and commercial vessels**

- **Activity MP 5.1:** Expand BOWW to reach more recreational boaters; secure adequate funding to train personnel and increase the number of BOWW trips
- **Activity MP 5.2:** Explore partnerships for BOWW, including boating insurance companies and harbormaster organizations
- **Activity MP 5.3:** Continue partnership with NOAA Fisheries and Whale and Dolphin Conservation to support Whale SENSE and See A Spout

Office of National Marine Sanctuaries  
National Oceanic and Atmospheric Administration



## **Stellwagen Bank National Marine Sanctuary Final Management Plan and Environmental Assessment**



# Thank you

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# **OPEN DISCUSSION**