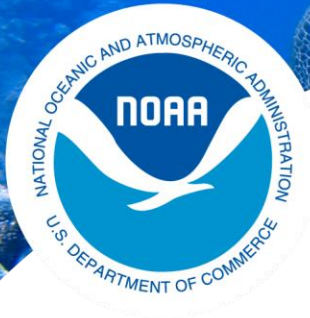


# Vessel Regulations and Whale Protection Zone Petition



**NOAA  
FISHERIES**

West Coast  
Region

Lynne Barre



# NOAA Fisheries Vessel Regulation Process

- 2007- Advance Notice of Proposed Rulemaking, request for public comments
- 2009- Proposed Rule, request for public comments, public meetings
- 2011- Final Rule
- 2013- Killer Whale Protection Workshop

[http://www.westcoast.fisheries.noaa.gov/protected\\_species/marine\\_mammals/killer\\_whale/vessel\\_regulations.html](http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/vessel_regulations.html)

# Environmental Assessment

- Analysis of alternatives, benefits/impacts to resources including the whales, whale watch industry, and recreation
- Provides scientific information regarding vessel impacts and data on economic impacts for each alternative
- Conclusion: Regulations result in benefit for the whales and no significant impact to industry or recreation

**FINAL ENVIRONMENTAL ASSESSMENT**  
for  
**New Regulations to Protect Killer Whales**  
from Vessel Effects in Inland Waters of Washington



**National Marine Fisheries Service**  
**Northwest Region**

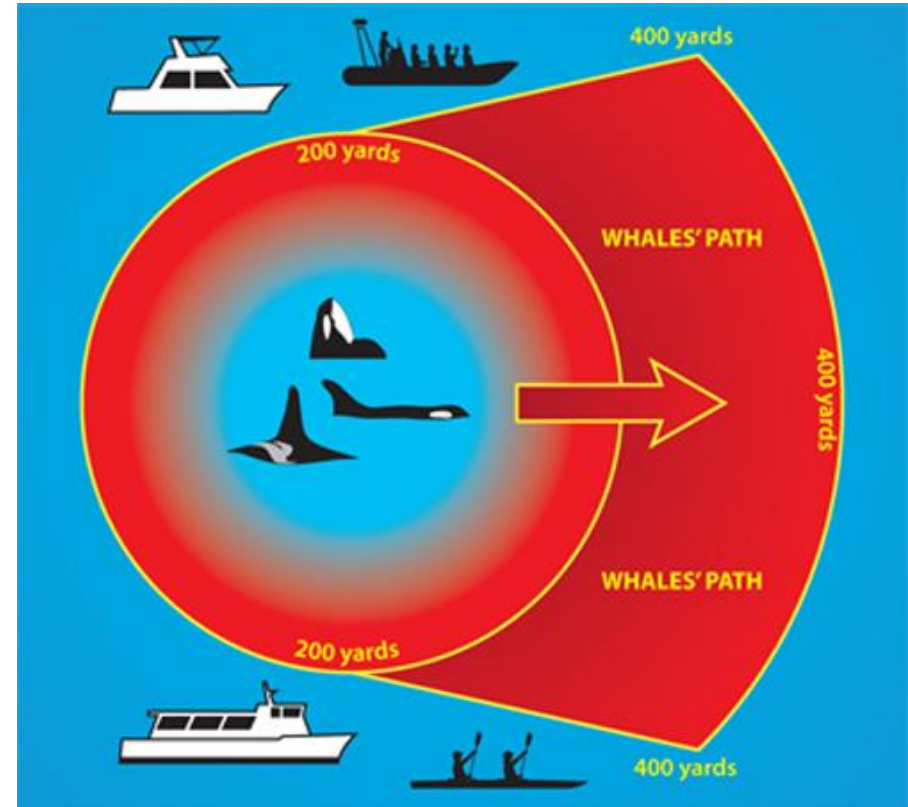


**November 2010**

# Protective Regulations

Approach Restrictions: Prohibits vessels from approaching any killer whale in inland waters of WA closer than 200 yards

Parking in the Path Prohibition: Requires vessels to keep clear of the whales' path within 400 yards of the whales



# Implementation of New Regulations

## Education and Outreach

- Continue working with partners- Soundwatch, Straitwatch, WDFW, DFO, PWWA
- Update Be Whale Wise

## Enforcement


- Joint Enforcement Agreement with WDFW, ESA grant

## Monitoring- review of current rules

- Collect data on vessel activity/compliance
- Collect data on economics

# Be Whale Wise

## MARINE WILDLIFE GUIDELINES FOR BOATERS, PADDLERS AND VIEWERS



**TRANS-BOUNDARY GUIDELINES FOR THE UNITED STATES AND CANADA APPLIES TO ALL MARINE MAMMALS AND BIRDS.**

1. **DO NOT APPROACH** or position your vessel closer than 200 metres/yards to any killer whale in the U.S. **DO NOT APPROACH** or get closer than 100 metres/yards to any other marine mammals or birds, whether on the water or on land.
2. **BE CAUTIOUS, COURTEOUS AND QUIET** when around areas of known or suspected marine wildlife activity, in the water or at haul-outs and bird colonies on land. Especially from May to September during breeding, nesting and seal pupping seasons.
3. **LOOK** in all directions before planning your approach or departure from viewing wildlife.
4. **SLOW DOWN** reduce speed to less than 7 knots when within 400 metres/yards of the nearest marine mammal to reduce your engine's noise and vessel's wake.
5. **ALWAYS** approach and depart from the side, moving parallel to the animal's direction of travel. If the animal(s) are approaching you, cautiously move out of the way and avoid abrupt course changes. **DO NOT** approach from the front or from behind.
6. If your vessel is not in compliance with the 100 metres/yards approach guideline (#1), place engine in neutral and allow animals to pass.
7. **PAY ATTENTION** and move away, slowly and cautiously, at the first sign of disturbance or agitation.
8. **STAY** on the **OFFSHORE** side of the whales when they are traveling close to shore.
9. **ALWAYS** avoid going through groups of porpoises or dolphins and hold course and reduce speed gradually to discourage bow or stern-riding.
10. **LIMIT** your viewing time to 30 minutes or less. This will reduce the cumulative impact of all vessels and give consideration to other viewers.
11. **DO NOT** disturb, swim with, move, feed or touch any marine wildlife. If you are concerned about a potentially sick, stranded animal, or entangled animal, contact your local stranding network.

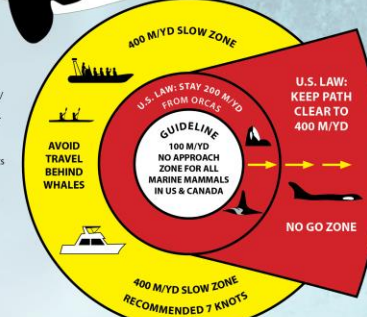
**DRONES/UNMANNED AIRCRAFT VEHICLE OR SYSTEM (UAV/UAS) GUIDANCE**

It is illegal to harm or disturb wildlife. To prevent disturbances from an unmanned aerial vehicle (UAV/drone) over the marine environment operators must use extreme caution. UAV/drones may cause a disturbance to the animal. Fly during daylight hours, keep your drone in sight and limit your viewing time to reduce the cumulative impact. This is rapidly evolving technology... Know and follow all local regulations.

**MARINE PROTECTED AREAS, WILDLIFE REFUGES, ECOLOGICAL RESERVES AND PARKS**

1. **CHECK** your nautical charts for the location of various protected areas.
2. **ABIDE** by posted restrictions or contact a local authority for further information.

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



**IN INLAND WATERS OF WASHINGTON IT IS UNLAWFUL FOR ANY PERSON TO:**

- Cause a vessel to approach, in any manner, within 200 yards/meters of any killer whale.
- Position a vessel to be in the path of any killer whale at any point located within 400 yards/meters of the whale.

The regulation applies to all motorized and non-motorized vessels (including kayaks and paddleboards) with exemptions for government vessels conducting official duties, ships in the shipping lanes, permitted research vessels, and vessels lawfully engaged in commercial or treaty Indian fishing that are actively setting, retrieving, or tending fishing gear.

**LAWS:** Regulations in Canada and the U.S. prohibit the harassment and disturbance of marine mammals. Many species are threatened or endangered and subject to additional protections under the Endangered Species Act (U.S.) and the Species at Risk Act (CANADA).

**TO REPORT A MARINE MAMMAL DISTURBANCE OR HARASSMENT**

**CANADA/B.C. GULF ISLANDS:** To report injured, distressed, dead, stranded or entangled marine mammals or sea turtles:  
Fisheries & Oceans Canada/B.C. Marine Mammal Incident  
24/7 Hotline: 1-800-465-4336

**US/INLAND WA WATERS:** To report a marine mammal harassment, entanglement or stranding:  
NOAA Fisheries, Office for Law Enforcement: 1-800-853-1964  
Entanglements: 1-877-707-9425 / Strandings: 1-866-767-6114  
Download the dolphin and whale 911 app


**DID YOU SEE A WHALE?**

**TO REPORT A MARINE MAMMAL & SEA TURTLE SIGHTING:**

**CANADA/B.C. GULF ISLANDS:** B.C. Cetacean Sightings Network  
1-866-472-9663 or [sightings@wanoaqs.org](mailto:sightings@wanoaqs.org)/[www.wildwhales.org](http://www.wildwhales.org)  
WhaleReport app available on iTunes and Google Play

**US/INLAND WA WATERS:** The Whale Museum Hotline (WA):  
[hotline@whalemuseum.org](mailto:hotline@whalemuseum.org) or 1-800-562-8932

Orca Network (WA): [info@orcaneetwork.org](mailto:info@orcaneetwork.org) or 1-866-672-2638



# Proposed No-go Zone

- 2009 proposed rule included a no-go zone located along the west side of San Juan Island from May 1-Sept 30
- 2011 final rule did not include no-go zone because:
  - degree of public opposition; we noted that to be effective, regulations must be understood by the public and have a degree of public acceptance
  - alternatives suggested by the public were not fully analyzed, and
  - comments on economic analysis.
- Consider concept in the future



# Whale Protection Zone Petition

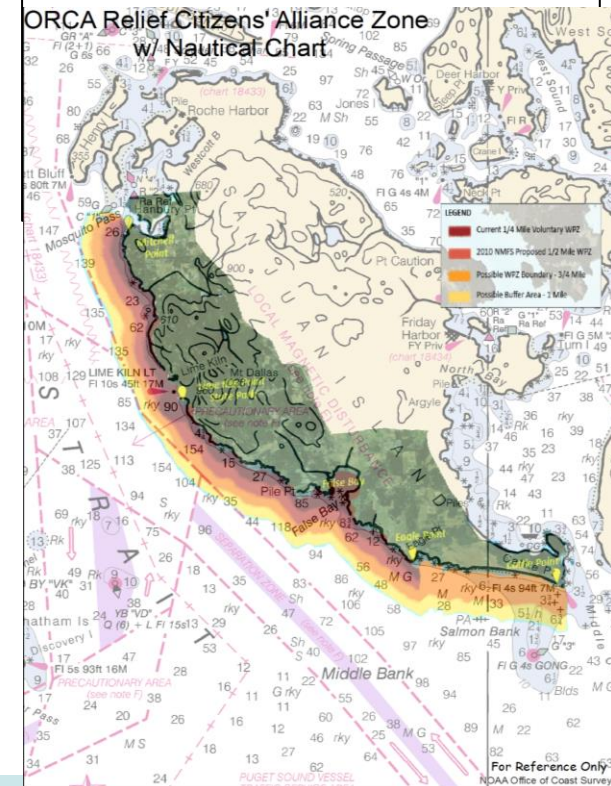
- Petition submitted by three NGOs November 2016
- Notice of Receipt of petition and request for public comment through April 13, 2017
  - Request information and comments on:
    - (1) The advisability of and need for regulations to establish a whale protection zone;
    - (2) the geographic scope of regulations;
    - (3) alternative management options for regulating vessel interactions with killer whales, including but not limited to the option in the petition;
    - (4) scientific and commercial information regarding the effects of vessels on killer whales and their habitat;
    - (5) information regarding potential economic effects of regulating vessel interactions; and
    - (6) any additional relevant information that NMFS should consider should it accept the petition.

PETITION TO ESTABLISH A WHALE PROTECTION ZONE FOR THE SOUTHERN RESIDENT KILLER WHALE (*ORCINUS ORCA*) DISTINCT POPULATION SEGMENT UNDER THE ENDANGERED SPECIES ACT AND MARINE MAMMAL PROTECTION ACT



ORCA RELIEF CITIZENS' ALLIANCE  
CENTER FOR BIOLOGICAL DIVERSITY  
PROJECT SEAWOLF

November 2016



# Review of Vessel Regulations

- Compliance: Soundwatch reports
- Biological impacts: Peer-reviewed scientific articles, Dtag results
- Enforcement: reports, tickets, warnings
- Education: Public awareness (park visitor info, brochures, advertisements)'
- Economic reports



Photo by Jeff Hogan

