

# MBNMS Sanctuary Advisory Council Whale Disturbance Working Group

## Working Group Members:

Gary Hoffmann (Chair, At-Large)

Steve Scheiblauser (Harbors)

Paul Reilly (CDFW)

Dan Haifley (At-Large)

Christina McGinnis (At-Large)

Margaret (P.J) Webb (At-Large)

MBNMS Sanctuary Advisory Council  
Whale Disturbance Working Group

The Sanctuary Advisory Council (SAC) formed this working group to answer a core question:

Is there a need for any regulatory or non-regulatory strategies to address whale disturbance or harassment in the Sanctuary?

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## Invited Speakers & Participants:

Robert Puccinelli, CDFW Enforcement Officer

Penny Ruvelas, Chief, NMFS Protected Resources  
Division

Jim Harvey, Marine Mammal Scientist, Moss  
Landing Marine Labs

## Wildlife Viewing Operators:

Gabe Torres, Stagnaro Whale Watch

Katlyn Taylor, Monterey Bay Whale Watch

John Mayer, Monterey Bay Whale Watch



Wildlife Viewing Operators (continued):

Kate Spencer, Fast Raft

Dorris Welch, Sanctuary Cruises

Giancarlo Thomae, Sanctuary Cruises

Dave Johnston, Venture Quest, Santa Cruz

Katlyn Taylor, Monterey Bay Whale Watch

John Mayer, Monterey Bay Whale Watch

Kate Spencer, Fast Raft

NOAA STAFF:

Karen Grimmer, Paul Michel

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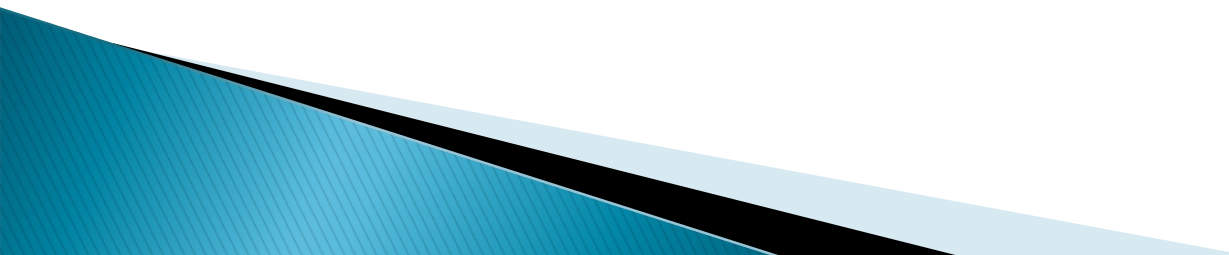
From July 2016 through January 2017, the Working Group met with subject matter experts, whale watching and kayak company operators, and Sanctuary staff to collect information.

As a result of these meetings, the Working Group has developed the following recommendations for the SAC to consider:

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**RECOMMENDATIONS:**

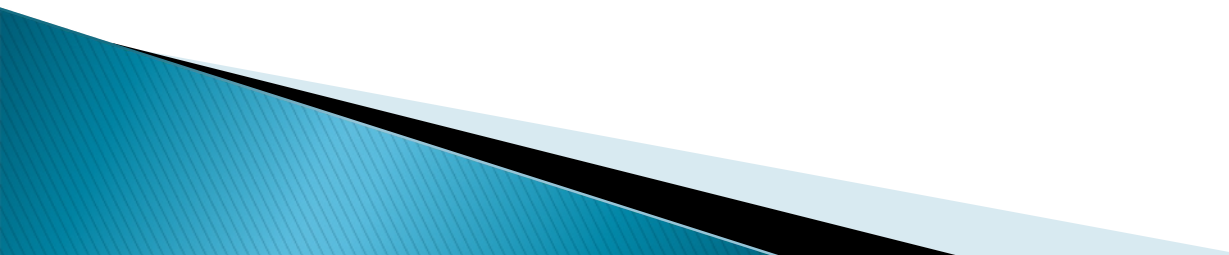
1. MBNMS should work collaboratively with whale watch operators, marine mammal experts, and other parties to develop comprehensive guidelines for approaching and viewing whales in Monterey Bay National Marine Sanctuary that would prevent whale disturbances. The guidelines should be applicable to all motorized and non-motorized vessels operating in the Sanctuary.



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**RECOMMENDATIONS:**

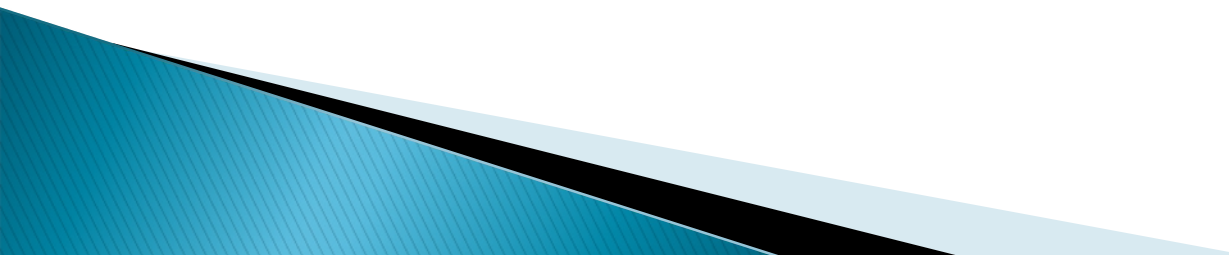
2. Upon implementation of the guidelines, a science-based compliance assessment shall be conducted for at least one year. The actual duration of the assessment will be determined by the scientific team assembled to develop the assessment protocol.



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## RECOMMENDATIONS:

3. If this assessment shows significant non-compliance with the whale approach and viewing guidelines, the reasons for non-compliance will be assessed. Then, if non-compliance appears to be willful based on the preponderance of evidence, the process for adopting a minimum approach and viewing regulation for vessels operating in the Sanctuary should be implemented.

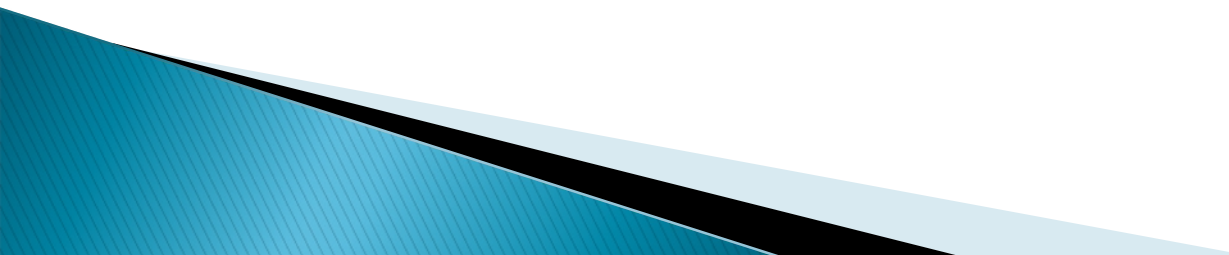




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**RECOMMENDATIONS:**

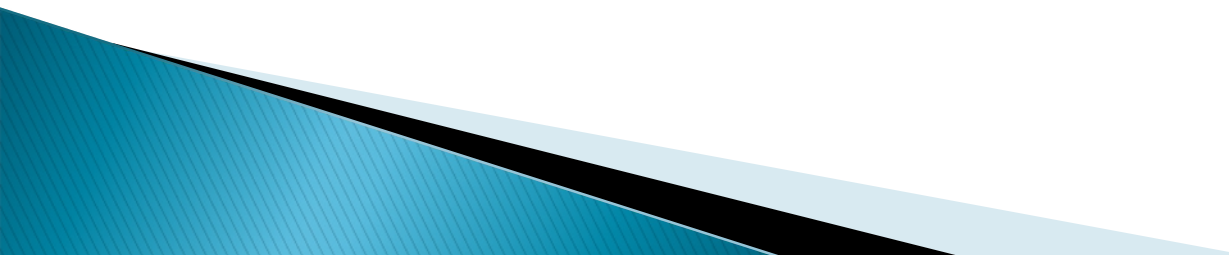
4. MBNMS should develop a sanctuary-wide outreach program on whale approach and viewing guidelines that includes recreational boaters and other users that may not have access to the traditional methods for disseminating information regarding marine mammal approach and viewing etiquette.



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## RECOMMENDATIONS:

### Examples of potential outreach:

- ◆ Ensure purchasers of kayaks at retail outlets receive information on marine wildlife approach and viewing etiquette.
  - ◆ Solicit and encourage kayak rental shops to assist with outreach efforts.
  - ◆ MBNMS could work with the Department of Boating and Waterways through their Boating Under the Influence (BUI) prevention program, to provide marine mammal approach and viewing etiquette information.
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## More Outreach Examples:

- ◆ MBNMS could work with the Department of Motor Vehicles to include whale approach and viewing guidelines in their boater registration packages sent out every 2 years.
- ◆ MBNMS could work with CDFW to provide their recreational fishery samplers with marine mammal and viewing etiquette information at the four launch ramps within Monterey Bay.
- ◆ Harbor staffs, perhaps supported by volunteers from Save Our Shores or other groups, could distribute whale approach and viewing flyers to the vessel owners and operators including kayak launchers.

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## More Outreach Examples:

- ◆ The Harbors within the Sanctuary could use their gate notice boxes and electronic newsletters to distribute the whale approach and viewing guidelines to resident boaters.
- ◆ A laminated poster could be developed describing the guidelines and placed on all whale watch operator vessels as well as in public areas for all boaters as appropriate.

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▶ LIST OF RESOURCES:

- ▶ Regulations Governing the Approach to Humpback Whales in Alaska, 2001, 50 CFR Part 22
- ▶ Endangered Fish or Wildlife; Special Prohibitions; Approaching Humpback Whales in Hawaiian Waters, 1995, 50 CFR Part 222

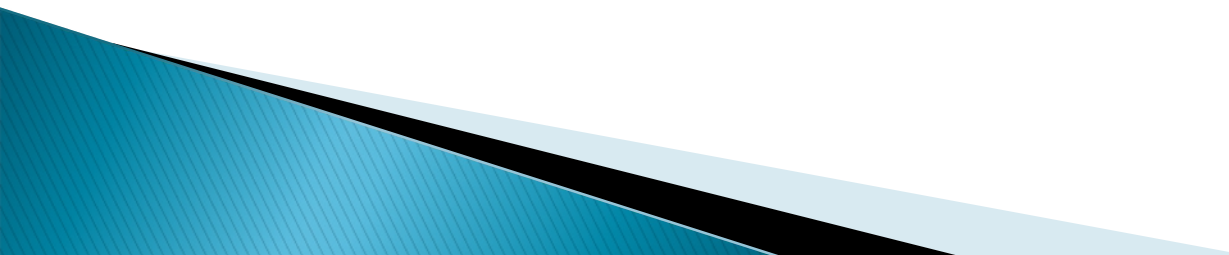
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## ▶ List of Resources:

- ▶ Approach Regulations for Humpback Whales in Waters Surrounding Islands of Hawaii: Environmental Assessments; Availability, etc., NOAA–NMFS–2016–0046
- ▶ Environmental Assessment for Approach Regulations for Humpback Whales within 200 Nautical Miles of the Islands of Hawaii, July 2016, National Marine Fisheries Service
- ▶ Effectiveness of Voluntary Conservation Agreements: Case Study of Endangered Whales and Commercial Whale Watching, Wiley et al *Conservation Biology*, Volume 22, No. 2, 450–457  
DOI: 10.1111/j.1523–1739.2008.0089

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## ▶ List of Resources:

- ▶ Geospatial analysis of management areas implemented for protection of the North Atlantic right whale along the northern Atlantic coast of the United States, Asaro et al, Marine Policy, January 2011
  - ▶ Whale Watching Guidelines, Stellwagen Bank National Marine Sanctuary
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Questions?

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