

2/2/17

**DRAFT Recommendations from
MBNMS Sanctuary Advisory Council
Whale Disturbance Working Group**

Working Group Members:

Gary Hoffmann (Chair, At-Large)
Steve Scheiblaue (Harbors)
Paul Reilly (CDFW)
Dan Haifley (At-Large)
Christina McGinnis (At-Large)
Margaret (P.J) Webb (At-Large)

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
Kate Spencer, Fast Raft
Dorris Welch, Sanctuary Cruises
Giancarlo Thomae, Sanctuary Cruises
Dave Johnston, Venture Quest, Santa Cruz

MBNMS Staff Members:

Karen Grimmer, Paul Michel

INTRODUCTION:

In 2015, Monterey Bay National Marine Sanctuary (MBNMS) initiated the process of updating the MBNMS Management Plan. During scoping sessions related to the review and revision of the Management Plan, some comments were submitted related to whale harassment within the Sanctuary. Subsequently, the Sanctuary Advisory Council (SAC) formed a Whale Disturbance Working Group consisting of six members of the SAC, tasked with the charge 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?

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 for the purpose of answering the core question. As a result of these meetings, the Working Group has developed the following recommendations for the SAC to consider.

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.
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.
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.
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. Below are some example ideas:
 - 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.
 - 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.
 - 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.

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

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

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