

# NOAA - National Marine Fisheries Service & National Ocean Service

## WHALEWATCHING GUIDELINES FOR THE NORTHEAST REGION INCLUDING THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY

All whales, dolphins and porpoises in the northeast region are federally protected by the Marine Mammal Protection Act (MMPA) and most large whales in the area are further protected under the Endangered Species Act (ESA). Under these Acts, it is illegal to "harass, hunt, capture or kill" any marine mammal. Prohibited conduct includes any "negligent or intentional act which results in the disturbing or molesting of marine mammals."

The following operational procedures are intended to avoid harassment and possible injury to large whales, particularly the finbacks, humpbacks and minke whales commonly seen by vessels engaged in whale watching. Following the guidelines can help protect both you and the whale you wish to watch and keep you from accidentally violating federal law.

The right whale is protected by separate State and Federal regulations that prohibit approach within 500 yards of this species. Any vessel finding itself within the 500 yard buffer zone created by a surfacing right whale must depart immediately at a safe slow speed. The only vessels allowed to remain within 500 yards of a right whale are vessels with appropriate research permits, commercial fishing vessels in the act of hauling back or towing gear, or any vessel given prior approval by NMFS to investigate a potential entanglement.

### OPERATIONAL GUIDELINES WHEN IN SIGHT OF WHALES:

#### **From two miles to one mile away:**

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 observe the FAA minimum altitude of 1,000 feet over water.

#### **From one mile to one-half mile away:**

Reduce speed to 10 knots.

#### **From one-half mile to 600 yards away:**

Reduce speed to 7 knots.

Maneuver to avoid head-on approach.

#### **Close approach procedure 600 feet or closer:**

Parallel the course and speed of moving whales up to the designated speed limit within that distance.

Do not attempt a head-on approach to whales.

Approach and leave stationary whales at no more than idle or "no wake" speed, not to exceed 7 knots.

Do not intentionally drift down on whales.

Vessels in multi-vessel approaches should maintain communication with each other (via VHF channels 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 do not box in the whales or cut off their path.

#### **Stand-by Zone -- From 300 feet to 600 feet away:**

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

#### **Close Approach Zone -- From 100 feet to 300 feet away:**

One vessel limit.

Other vessels stand off. (up to two vessels in the Stand-by Zone – others outside 600 feet).

If more than one vessel is within 600 feet, the vessel within 300 feet should limit its time to 15 minutes in close approach to whales.

#### **No Intentional Approach within 100 feet.**

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.

## **Departure Procedure**

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 and begin their return to port 15 minutes before sunset.

### **Penalties:**

A violation of the Marine Mammal Protection Act or the Endangered Species Act may result in fines or civil penalties of up to \$10,000 or criminal penalties of up to \$20,000 plus IMPRISONMENT and/or SEIZURE OF VESSEL and other personal property.

## **CONTACT NUMBERS**

### **Whalewatching Information**

For more information on the whalewatching guidelines or laws pertaining to marine mammals you should call:  
National Marine Fisheries Service, Protected Resources Division -- 978-281-9254 OR  
Gerry E. Studds/Stellwagen Bank National Marine Sanctuary --781-545-8026

### **Right Whale Sighting**

All sightings of a right whale should be called in to the NMFS Sighting Advisory.  
Sighting Advisory System -- 508-495-2264 or 978-585-8473 (Beeper)

### **Entangled Whale**

Any sighting of an entangled whale should be reported. Vessels should stand-by and keep the whale in sight until help arrives, or arrange for another vessel to maintain contact with the whale.  
Disentanglement HOTLINE -- 800-900-3622 or call the USCG on VHF CH-16

### **Dead Whale**

Any sighting of a dead whale should be reported.  
Marine Mammal Stranding Network -- 508-495-2090 or 978-585-7149 (Beeper)

### **Potential Violations**

Any reports of an activity that appears to be an intentional or negligent action leading to a collision or harassment incident should be called in to the NOAA Enforcement Office. Enforcement HOTLINE -- 800-853-1964

The National Marine Fisheries Service is the Federal agency responsible for protecting whales within U.S. waters under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. It is part of the National Oceanic and Atmospheric Administration (NOAA).

The Gerry E. Studds/Stellwagen Bank National Marine Sanctuary is part of a network of marine protected areas chosen for their special ecological and/or historical significance including a central summer feeding ground for whales. The 842-square-mile area, between Cape Ann and Cape Cod, is administered under NOAA's National Ocean Service.

### **National Marine Fisheries Service**

Northeast Region  
One Blackburn Drive  
Gloucester, MA 01930-2298  
978-281-9254

### **Gerry E. Studds/Stellwagen Bank National Marine Sanctuary**

175 Edward Foster Road  
Scituate, MA 02066  
781-545-8026

