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## Marine Mammal Viewing Guidelines and Regulations

### Humpback Whale Approach Regulations

The [humpback whale approach regulation](#) has been in effect since July 2001 and requires that you:

- Not approach within 100 yards of a humpback whale.
- Not place your vessel in the path of oncoming humpback whales causing them to surface within 100 yards of your vessel.
- Not disrupt the normal behavior or prior activity of a whale, and
- Operate your vessel at a slow, safe speed when near a humpback whale.

\*Some exceptions apply. Report violations to NOAA Enforcement at 1-800-853-1964.



### Viewing Marine Mammals - Voluntary Codes of Conduct

#### Whale SENSE Alaska

This [voluntary education and recognition program](#) has been in effect since 2015 for the Juneau area whale watch community. Developed in collaboration with the whale watching industry, Whale SENSE recognizes whale watching companies committed to responsible practices. In Alaska, these practices include reduced speeds and time limits around whales.

Participating companies agree to:

- Stick to the regional whale watching guidelines.
- Educate naturalists, captains, and passengers to have SENSE while watching whales.
- Notify appropriate networks of whales in distress.
- Set an example for other boaters.
- Encourage ocean stewardship.

Upon successful completion of training and evaluation, Whale SENSE businesses receive materials identifying them as active Whale SENSE participants featuring the Whale SENSE current calendar year.

#### Guidelines for Viewing Harbor Seals in Alaska's Glacial Fjords

To avoid disturbance to harbor seals in sensitive glacial habitats, [these voluntary guidelines are recommended](#) for all vessel types in all glacial areas year-round, as practicable:

- Keep 500 yards (~1/4 mile) from all seals without compromising safe navigation
- Practice no wake, avoid abrupt changes in course or engine pitch, and avoid loud noises
- Avoid traveling through waters with greater than 50% ice cover
- When possible, target visits during early morning and evening hours when fewer seals are hauled out

At two specific sites where high vessel traffic coincides with large numbers of pups, additional seasonal and area recommendations are advised to provide additional protection while mothers are rearing pups. These particular voluntary actions apply to vessels in Disenchantment Bay (near Hubbard Glacier and Yakutat) and Tracy Arm (south of Juneau) from May 15-June 30.

#### General Marine Mammal Viewing Code of Conduct

- Remain at least 100 yards from marine mammals.

- Time spent observing individual(s) should be limited to 30 minutes.
- Whales should not be encircled or trapped between boats, or boats and shore.
- If approached by a whale, put the engine in neutral and allow the whale to pass.

### Even if approached by a marine mammal

- Offering food, discarding fish or fish waste, or any other food item is prohibited.
  - [Take the Lead, Do Not Feed](#)
- Do not touch or swim with the animals. They can behave unpredictably and may also transmit disease.

## How to Observe Marine Mammal Behaviors and Minimize Your Impact

While viewing marine mammals, your actions should not cause a change in the behavior of the animals. Individual animal's reactions will vary; carefully observe all animals in the vicinity. Assume that a boat is a disturbance and cautiously leave the vicinity if you observe behaviors such as these:

### Seals, Sea Lions, and Fur Seals

- Increased movements. . . away from the disturbance; hurried entry into the water by many animals, or herd movement towards the water
- Increased vocalization, aggressive behavior. . . by many animals towards the disturbance; several individuals raising their heads simultaneously.

### Whales, Dolphins, and Porpoise

- Changes in swimming. . . such as rapid changes in direction, speed; erratic swimming patterns. Escape tactics such as prolonged diving, underwater exhalation, underwater course changes, or rapid swimming at the surface. Female attempting to shield a calf with her body or by her movements.
- Surface displays. . . like tail slapping or lateral tail swishing at the surface.

## Keep Your Distance

- Use extra caution when viewing seals and sea lions that are on land or ice, as harassment may occur at distances greater than 100 yards.
- When encountering seals or sea lions hauled out on land or ice, avoid making the animal(s) aware of your presence: keep noise low, stay hidden and stay downwind.
- Pups are often left alone while the mother feeds. They are not abandoned and should not be disturbed.
- [Glacier Bay National Park and Preserve](#) has specific marine mammal regulations. Vessel entry permits are required - consult National Park Service officials.
- All major Steller sea lion haulouts and rookeries throughout Alaska are protected by regulation. Extra caution is needed in these areas to prevent harassment of Steller sea lions in their critical habitat. Critical habitat includes the air, land and sea surrounding the site to 3,000 ft (0.9 km) in all directions. From Cape Suckling (144°deg; West) throughout western Alaska protection is increased. Critical habitat at sea increases to 20 nautical miles (37 km). For rookeries, no-entry zones exist to 3 nautical miles (5.5 km) at sea and 0.5 miles (0.8 km) on land, or within sight of a rookery whichever is greater. At Marmot Island, the no-entry zone is increased to 1.5 miles (2.4 km) on land. [Critical habitat regulations and maps](#) of critical habitat are available through the National Marine Mammal Service.
- [Regulations](#) prohibit persons from entering northern fur seal rookeries on St. Paul and St. George Islands without special permission between June 1 and October 15.

*Bring binoculars along on a viewing excursion to ensure a good view from the required viewing distance.*

## How to Conscientiously View Marine Mammals from a Boat

### Whales may surface in unpredictable locations.

- Breaching and flipper-slapping whales may endanger people or vessels.
- Feeding humpback whales often emit sub-surface bubbles before rising to feed at the surface. Stay clear of these light green bubble patches.
- Noise may help whales know your location and avoid whale and vessel collisions. For example, if your engine is not running, occasionally tap the side of the boat with a hard object.

### If you need to move around a whale, do it from behind the whale.

- Vessels that wish to position themselves to allow whales to pass the vessel should do so in a manner that stays fully clear of whale's path.

### Marine mammals are more likely to be disturbed when more than one boat is near them.

- Avoid approaching marine mammals when another vessel is near.
- Marine mammals should not be encircled or trapped between boats, or boats and shore.
- Always leave marine mammals an escape route.
- When several vessels are in an area, communication between vessel operators may reduce the potential for disturbance.

### Limit your time with any individual or group of marine mammals to 30 minutes.



- Your vessel may not be the only vessel in the day that approaches the same animal(s). Please be aware that cumulative impact may occur.

## Vessels traveling in a predictable manner appear to be less disturbing to animals.

- Pursuit of marine mammals is prohibited by law.
- Never attempt to herd, chase, or separate groups of marine mammals or females from their young.
- Avoid excessive speed or sudden changes in speed or direction in the vicinity of whales.
- The departure from a viewing area has as much potential to disturb animals as the approach.

## How to View Marine Mammals From an Airplane or Helicopter

- Maintain a 1500-foot minimum altitude when viewing marine mammals from the air.
- Buzzing, hovering, landing, taking off, and taxiing near marine mammals on land or in the water is likely to harass the animals.

## Federal Laws and Marine Mammal Viewing

The Marine Mammal Protection Act prohibits the **TAKE** of all marine mammal species in U.S. waters. Take means "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill," and harassment means "any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild; or has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to migration, breathing, nursing, breeding, feeding, sheltering." **TAKE** includes feeding or attempting to feed a marine mammal in the wild. Some exceptions are made for authorized scientific research and subsistence hunting by Alaska Natives.

The Endangered Species Act prohibits the **TAKE** of species listed as endangered or threatened. The definition of **TAKE** under the Endangered Species Act adds the terms harm, pursue, shoot, wound, trap and collect to the Marine Mammal Protection Act definition of **TAKE**.



## Additional Information

### Disclaimer

Most of the following websites are not part of the NOAA Fisheries' website. NOAA Fisheries cannot guarantee the accuracy of any of the information on any websites that are not part of our website. Fisheries does not imply endorsement of any particular product, service, organization, company, information provider, or content on any of the following websites.

### NOAA Fisheries' Alaska Marine Mammal Viewing Guidelines and Regulations

- Guidelines and Regulations Booklet: Please contact [Aleria.Jensen@noaa.gov](mailto:Aleria.Jensen@noaa.gov) for a copy.
- Wheelhouse poster: [11 x 8.5](#), [8 x 6](#)

### Regulations Governing the Approach to Humpback Whales in Alaska

- [2001 Final Rule](#)
- [2016 Amendment](#)

### Additional Alaska Resources

- [Seabird Bycatch and Mitigation Efforts in Alaska Fisheries Summary Report: 2007 through 2015](#)
- [Whale SENSE](#): Promoting responsible whale watching
- [Natural and human effects on harbor seal abundance and spatial distribution in an Alaskan glacial fjord](#). Jansen, J. K., Boveng, P. L., Ver Hoef, J. M., Dahle, S. P. and Bengtson, J. L. 2014. Marine Science.
- [Reaction of Harbor Seals to Cruise Ships](#). Jansen, J. K., Boveng, P. L., Dahle, S. P. and Bengtson, J. L. 2010. The Journal of Wildlife Management.
- [The impact of sea kayak tourism and recreation on harbor seal behavior in Kenai Fjords National Park: integrating research with outreach, education, and tourism](#). M.S. Thesis. Jezierski, C. M. 2006. University of Alaska, Fairbanks, AK. 79 pp.
- [Disturbance of harbor seals by cruise ships in Disenchantment Bay, Alaska: an investigation at three spatial and temporal scales](#). Jansen, J. K., J. L. Bengtson, P. L. Boveng, S. P. Dahle, and J. V. 2006. AFSC Processed Rep. 2006-02.
- [Guidelines for Observing Marine Mammals in Kenai Fjords, Alaska](#), Developed by The Kenai Fjords Tour Vessel Operators Association
- [Marine Mammal and Human Patterns of Use](#), Seawead, (Southeast Alaska Wilderness Exploration and Discovery)
- Glacier Bay Park and Preserve
  - [Glacier Bay Humpback Whales](#)
  - [Vessel Operating Requirements](#) for Glacier Bay National Park and Preserve

### National Information

- [Watchable Wildlife Marine Viewing Working Group Guidelines](#)
- [Responsible Marine Wildlife Viewing and Ocean Etiquette Program](#)
- [Advance Notice of Proposed Rulemaking on Human Interactions with Wild Marine Mammals](#)
- [National Marine Sanctuaries](#)

### Hawaii

- [Hawaiian 100 Yard Approach Regulation](#)
- [Hawaiian Islands Humpback Whale National Marine Sanctuary](#)

## Massachusetts

- [Stellwagen Bank National Marine Sanctuary](#)
  - [Whale Watching Guidelines](#)
  - [See a Spout, Watch Out](#) (recreational boater education)
- [Center for Coastal Studies](#)

## Washington State

- [Soundwatch Boater Education Program](#)
- [Be Whale Wise brochure](#)
- [Pacific Whale Watch Association's Best Practices Guidelines](#)

## Canada

- [Race Rocks Marine Protected Area](#)

## Scotland

- [Dolphin Space Programme](#)

## Worldwide

- [Hoyt, E. \(2001\). Whale Watching 2001: Worldwide tourism numbers, expenditures, and expanding socioeconomic benefits.](#) International Fund for Animal Welfare, Yarmouth Port, MA, USA. pp. i - (large file)
- [Laist, D. et. al. \(2001\). Collisions Between Ships And Whales.](#) *Marine Mammal Science*: Vol. 17, No. 1, pp. 35-75.



## Contact Information

For more information or to report harassment, injury or abandonment, please contact:

### [National Marine Fisheries Service, Alaska Region](#)

Protected Resources

P. O. Box 21668

Juneau, AK 99802

(907) 586-7235

### [Online Entanglement/Stranding Notification Form](#)

NMFS statewide 24-hr Stranding Hotline: (877) 925-7773 or (877) 9-AKR-PRD

### Western Alaska Field Office

222 West 7th Avenue 43

Anchorage, AK 99513

(907) 271-5006

### Office of Enforcement

P. O. Box 21668

Juneau, AK 99802

(907) 586-7225

For more information on sea otters, polar bears, and walrus contact:

### [U.S. Fish and Wildlife Service](#)

Marine Mammals Management Office

1011 East Tudor Road

Anchorage, AK 99503

(907) 786-3311

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