

Be Whale Wise Guideline Interpretation

*Prepared by DFO and NOAA
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The goal of the Be Whale Wise Marine Wildlife Viewing Guidelines (BWW) is to provide all marine mammals the ability to carry out their normal life process, free of disturbance from vessels (motorized and non-motorized). To achieve this goal, the fundamental concept is to provide a buffer zone of at least 100m, free of vessels around the animals or a group of animals. For cetaceans, special focus is paid to keeping the path ahead of whale, dolphins and porpoises free from obstruction and not separating groups. In addition, these guidelines also provide direction on how to minimize disturbance by operating or not operating a vessel in a certain manner.

The following is a summary of BWW Guideline interpretation discussions between NOAA, DFO and commercial Ecotour Representatives (WFOANW and Canadian Ecotour Representatives for areas and sectors). To facilitate a common understanding and expectation of viewing conduct, these interpretations have been drafted and will be distributed to the Ecotour Representatives for dissemination to operators within their associations and areas, Marine Mammal Viewing Monitoring Groups (Soundwatch, M3, Straitwatch) and Canadian and US managers and enforcement personnel. This document should be considered advice on how to interpret the BWW Guidelines to avoid marine wildlife disturbance in most circumstances. However, the vessel operator is responsible for adherence with applicable Canadian or US laws.

General Notes

It is recognized that due to navigational safety requirements or the sometimes unpredictable nature of whales, a vessel may become non-compliant with these guidelines. However, setting up to view whales and failing to make position adjustments to avoid non-compliance, setting up in passes or areas where whales are known to travel or repeated observations of guideline violations will result in incident reports and, possibly other enforcement action.

General Guidelines

Guideline #1 *BE CAUTIOUS and COURTEOUS: approach areas of known or suspected marine wildlife activity with extreme caution. Look in all directions before planning your approach or departure.*

- Ecotour companies and vessel operators are expected to be familiar with the marine wildlife in their area of operation and exercise caution and foresight in planning their excursions. Whales or other marine mammals may appear where you don't expect them to – plan for this – be observant and prepared.

Guideline # 2 – *SLOW DOWN: reduce speed to less than 7 knots when within 400 metres/yards of the nearest whale. Avoid abrupt course changes.*

- Ensure that slow speed is maintained when both approaching and departing from areas where whales are known to be.

Guideline #3 - KEEP CLEAR of the whales' path. *If whales are approaching you, cautiously move out of the way.*

- The vessel operator is expected to maintain a corridor ahead of the whales that is a minimum of 100m on either side of the passing whale or group of whales. (i.e. if group is spread out over 100 m/yds the corridor would be 300 m/yds)
- Repositioning
 - a. Repositioning ahead but off to the side of the whales' path is acceptable. However, having chosen this method of viewing, it is the operator's responsibility to maintain the vessel a minimum of 100m off to the side of the closest passing whale.
 - b. The vessel operator should be adjusting position to ensure whales pass at least 100m from vessel even if this means starting the engine.
 - c. Position adjustment should occur when whales are more than 400 metres away from vessel. However, operators are expected to make position adjustments up to and before whales reach 100m from vessel.
 - d. If a vessel is found to be within 100 m/yds of a whale or whales after having preformed a repositioning or "silent set-up" that vessel may be deemed to have approached the whales and be non-compliant with Guideline #5.

Guidelines #4 - DO NOT approach whales from the front or from behind. *Always approach and depart whale from the side, moving in a direction parallel to the direction of the whales.*

- This guideline is self explanatory.
- If whales adjust their course and turn towards the vessel, vessel operators are expected to readjust course to ensure that the vessel maintains a distance of 100 metres/yards or more away and from the whales.

Guideline # 5 – DO NOT APPROACH or position your vessel closer than 100 metres/yards to any whale.

- The expectation is that vessel operators will manage vessel operation to maintain a distance of 100m/yds from whales.
- Vessel operators are not to approach or position their vessels such that they will be less than 100m/yds of a whale or group of whales. If animals are in a group, the 100m/yds zone extends around the entire group.
- If a whale or group of whales are approaching the vessel, vessel operators are to move the vessel away from whales.
- If whales are milling then all vessels should keep to the outside of the milling area by 100 m/yds

Guideline #6 - *If your vessel is not in compliance with the 100metres/yards approach guideline (#5), place engine in neutral and allow the whales to pass.*

- To avoid this non-compliant position, vessel operators are expected to fully comply with guidelines 1 through 5.
- If whale(s) surface within 100 metres/yards of a motoring vessel, operators are expected to slow the vessel and place the engine in neutral (assuming it is safe to do so) and allow the whales to pass.
- If whale(s) surface within 100 metres/yards vessel whose engines are not running, the vessel should only start the engine once the whales are greater than 100m/yds from the vessel.

Guideline # 7 – STAY on the OFFSHORE side of the whales when they are traveling close to shore.

- This guideline is primarily directed toward killer whale viewing.
- Both resident and transient killer whales are known to forage in waters along shorelines. Vessels observing killer whales and transiting vessels stay to the offshore side of these whales.

Guideline # 8 – LIMIT your viewing time to a recommended maximum of 30minutes. This will minimize the cumulative impact of many vessels and give consideration to other viewers

- For the purposes of calculating this time limit, vessels are considered “viewing” when within the 400 metre/yard bullet.
- The 30 minute time limit is per whale or grouping of whales per trip.
- The Government Agencies support the WWOANW guideline of limiting the total viewing time in the vicinity of all killer whales to a maximum of 33% or 1 hour of a three hour trip as long as no more than 30 minutes are spent with a single group of whales.

Guideline #9 – DO NOT swim with, touch or feed marine wildlife

- While self explanatory, this prohibition includes using objects directly or allowing objects to go overboard with the intention of interacting with marine wildlife

Bow and Stern-riding porpoises and dolphins:

Guideline #1 - DO NOT drive through groups of porpoises or dolphins to encourage bow or stern-riding

- This guideline is self explanatory and includes killer whales

Guideline #2 - Should dolphins or porpoises choose to ride the bow wave of your vessel, avoid sudden course changes. Hold course and speed or reduce speed gradually.

- This guideline provides for the operator to choose the most appropriate action when dolphins or porpoises choose to engage in this common behaviour.
- The two key messages are that it should be the animals’ choice to engage in this behaviour and, if they do, to manage the vessel so as not to risk striking an animal.

Seals, sea lions and birds on land:

Guideline #1 – *BE CAUTIOUS AND QUIET* when around haul-outs and bird colonies, especially during breeding, nesting and pupping seasons (generally May to September).

- Animals hauled-out or nesting can be particularly sensitive to human disturbance such as noise or abrupt or unpredictable movements.
- The impact of disturbing animals may be severe during pupping and nesting seasons and operators are to familiarize themselves with this situation for their area of operation.

Guideline #2 – *REDUCE SPEED, minimize wake, wash and noise, and then slowly pass without stopping*

- Vessels passing slowly without stopping are unlikely to disturb marine wildlife on land. Driving head on to a haul-out or nest site or using excessive speed is to be avoided.

Guideline #3 – *AVOID approaching closer than 100 metres/yards to any marine mammals or birds*

- In most circumstances, vessels are to avoid approaching closer than 100 m/yds to marine wildlife on land. This recognizes that in some areas, sufficient passage is not available for operators to maintain this distance.
- Where sufficient passage is available, the 100 m/yd buffer zone to wildlife on land should be maintained.
- Specific guidelines for seals, sea lions and birds on land are developed to address this more vulnerable situation for wildlife. While animals dispersing from the haul-out or bird taking flight, are an obvious and final sign of disturbance, animals can display disturbance in more subtle ways. The 100 m/yd approach is meant to alleviate disturbance in most situations

Guideline #4 – *PAY ATTENTION and move away, slowly and cautiously at the first sign of disturbance or agitation*

- Vessel operators should be observant of wildlife behaviour and move away, slowly and cautiously at the first sign of disturbance or agitation. In some areas or at times, the 100 m/yd buffer zone may not be sufficient and a larger distance is needed.

Guidelines #4 – *DO NOT disturb, move feed or touch any marine wildlife, including seal pups. If you are concerned about a potentially sick or stranded animal, contact your local stranding network where available.*

- While self explanatory, this prohibition includes using objects directly or allowing objects to go overboard with the intention of interacting with marine wildlife

Special Notes for Kayakers/Paddlers

- Kayak companies should avoid positioning their kayak groups along the shore and in the path of whales.
- Conditions permitting, kayaks can remain offshore, providing a minimum of 100m for whales to pass.

- If whale(s) surface within 100 m/yds the kayak or canoe, paddlers are expected to move cautiously away from whale(s) to maintain 100 m/yd buffer zone
- If unable to remain offshore for safety reasons, kayakers should group up near-shore out of the path of whales, inside the kelp line or get on shore if possible.
- Kayakers are not to launch their vessels in the path of, or amongst whales. If on shore as whales are approaching, paddlers should remain on shore to watch whales