

The Marine Mammal Monitoring Program (M3) 2005 Vessel Incident Recording Protocols and Incident Categories and Definitions.

The following are the protocols, categories and definitions of vessel operator behaviors that constitute behaving contrary to conventional guidelines (also referred to as **vessel incidents**) around marine mammals as used by The Whale Museum's Sound watch **Boater Education Program** and the Veins of Life Watershed Society's **Marine Mammal Monitoring Program (M3)**.

Protocol:

The source for evaluating a vessel incident is based on vessel operator behaving contrary to the **Be Whale Wise Guidelines for Viewing Marine Wildlife** (designed for the general public) and/or the **Whale Watch Operators Association Northwest Guidelines** (designed for the experienced commercial operator). These guidelines were devised by a collaboration of scientists, stakeholders, monitoring groups and regional marine mammal managers. It is important to note that all vessel operator behaviors recorded as vessel incidents are based on voluntary guidelines designed to prevent whale harassment. Current regulations in the U.S. and Canada prohibit disturbance or 'take' to marine mammals. Sound watch and M3 are not law enforcement and do not aim to be 'agents' in this role. Sound watch and M3 data on vessel behaviors is not intended for use in an enforcement capacity, (except in extreme cases, see below*) but rather as a tool to improve vessel operator behavior, characterize vessel activities near whales for regional managers and stakeholders and as the basis for the creation and evaluation of regional guidelines. Sound watch and M3 program staff endeavor to be objective and consistent when observing and recording vessel incidents in the often dynamic and challenging circumstances associated with vessels and marine mammals. Only trained program staff, not volunteers, may make the determination of a vessel operator behavior deemed as a vessel incident.

When vessel incidents are observed, the date, time, location and the type of behavior is recorded using in-field data collection forms and are entered into program databases. Data is collected on all vessel types, including commercial whale watching, private recreational and sport fishing vessels, kayaks, aircraft, monitoring vessels, un-permitted research and photographic vessels and other miscellaneous vessels on scene. **Vessel Incident Feedback Reports** are generated for individual commercial whale watch companies giving their individual company vessel operator reports as well as an overall summary of observed incidents for that time period. Seasonal summary data is also reported in End-of-Year Program Reports to characterize vessel activities near marine mammals.

M3 Program Cooperation with Regional Law Enforcement: Flagrant or egregious behaviors, and/or repeated behaviors by any vessel operator or individual that might constitute 'whale disturbance or harassment' as defined under the U.S. Marine Mammal Protection Act or under Section 7 of the Canadian Fisheries Act are reported to regional law enforcement, namely Fisheries and Oceans Canada and/or the NMFS Northwest Regional Office for Law Enforcement in the U.S. In addition to incident information, further documentation is obtained when possible including video and/or still frame photography, range-finder, GPS, plotter or radar recording as well as a list of witnesses, namely commercial whale watch vessels on scene, is also provided in support of possible investigation or enforcement action.

M3 Monitoring Program Vessel Behavior Incident Categories and Definitions

- 2. Under power within 100 yards/metres=** vessel under power (moving) w/in 100 yds/m of a whale, use laser range finder when possible.
- 3. Within ¼ mile (440 yards) SJI Voluntary No Boat Zone=** vessels w/in 440 yd of shoreline in the determined Zone when whales present, use radar/laser range finder when possible, or shore-based Theodolite study team.
- 4. Within ½ mile (880 yards) Lime Kiln=** vessels w/in 880 yd of shoreline one mile radius of Lime Kiln Light when whales present, use radar/laser range finder when possible, or shore-based Theodolite study team
Note: area expanded Lime Kiln to Edwards Point for NMFS research end of 2003 and into 2004 season.
- 5. Crossing path of whales=** Vessels traveling across expected path of whales when whale are traveling in relatively predictable pattern (large or small groups).
- 6. Chasing/pursuing whales=** Vessel traveling behind a whale or group of whales 400-100 y/m when whales are traveling in relatively predictable pattern.
- 7. Inshore of whales=** any vessel on the inshore side of whales when whales are traveling in relatively predictable pattern (large or small groups) within ½ mile (880 yd) of shore, use radar/laser range finder when possible, or shore-based Theodolite study team.
- 8. Airplane within 1000 feet=** Aircraft flying lower than 1000 ft, use laser range finder when possible, or shoreline reference.
- 9. Within 200 yards of NWR=** Vessel within 200 yd NWR site, use radar/laser range finder when possible.
- 10. Other as defined in comments=** Something out of the ordinary or other distinct behavior not in the spirit of the guidelines such as: aircraft repeated low circling, using current to drift into path, people throwing a Frisbee from vessel for dog into group of whales, multiple circles through Dall's Porpoise, closer than 200 yd to known a seal haul out or bird rookery, or other behavior contrary to Marine Protection Area guideline or regulation.
- 11. Within 1/8 mile (220yards) of shore=** vessels w/in 220 yd of any shoreline when whales present, use radar/laser range finder when possible, or shore-based Theodolite study team.
- 13. Parked in Path=** Intentionally positioning vessel in the path of whales and/or not moving out of path of whales when there is time and space to do so, so that whales pass closer than 100 yds/m when whales are traveling in relatively predictable pattern.
- 16. Fast within ¼ mile (440 yards)=** Vessel motoring faster than 7 knots within ¼ mile (440 yd) from whales, use laser range finder/speed gun/radar when possible.
- 17. 1st approach head-on, behind or inshore=** when vessel new on scene approaches head-on, from behind or on the inshore side of whales when whales are traveling in relatively predictable pattern.
- 18. Kayaks spread out=** kayaks not grouped up when whales are traveling in relatively predictable pattern.
- 19. Kayaks w/whales outside ¼ mile SJI Zone=** Kayaks not staying inshore in the determined Zone when whales present, paddling outside ¼ mile (440 yd) offshore to meet whales when whales are traveling in relatively predictable pattern.
- 20. Kayaks paddling within 100 yards of whales=** kayak paddling w/in 100 yds/m of whale, use laser range finder when possible.