

## United States of America Voluntary National Cetacean Conservation Report, 2009

Submitted by the Government of the USA to the Conservation Committee  
61<sup>st</sup> Annual Meeting of the International Whaling Commission  
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### 1. Legal and other developments

#### 1.1 *The Marine Mammal Protection Act*

All cetaceans in U.S. waters are protected under the *Marine Mammal Protection Act (MMPA)*. All U.S. citizens and vessels must comply with the MMPA while in domestic U.S. waters and on the high seas. Under the MMPA, it is illegal for anyone (with certain exceptions) to take any marine mammals. Take is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal.” The objectives of the MMPA are to maintain the health and stability of marine ecosystems and to obtain an optimum sustainable population level for all marine mammal stocks, taking into account the carrying capacity of the ecosystem.

Cetacean species or stocks that are below the optimum sustainable population level are considered “depleted” under the MMPA. Species listed under the Endangered Species Act (ESA) are also considered depleted under the MMPA. Fourteen cetacean stocks in U.S. waters are currently listed as depleted under the MMPA, including the ten species listed in section 1.2. The four cetacean species considered depleted under the MMPA that are not listed under the ESA are:

- Spotted dolphin, Northeastern offshore stock
- Spinner dolphin, Eastern stock
- Killer whale, AT1 transient stock
- Bottlenose dolphin, Western North Atlantic coastal stock

Permits and authorizations are required under the MMPA to conduct activities that are likely to result in the “taking” of a marine mammal. When applicable requirements are met, the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service can, *inter alia*, authorize the take or import of cetaceans for scientific research, enhancing the survival or recovery of a marine mammal species or stock, commercial and educational photography, public display, and incidental take during commercial fishing operations and non-fishery commercial activities.

The MMPA also established the Marine Mammal Commission (MMC) as an independent federal agency. The Commission advises and makes recommendations to both the executive and legislative branches of the U.S. government regarding measures needed to promote the policies and provisions of the Act, which are intended to conserve marine mammals and marine ecosystems. In addition, the Commission supports a research program to identify and guide marine mammal conservation measures at local, regional, national, and international levels.

#### 1.2 *The Endangered Species Act*

In the United States, a cetacean species deemed to be “in danger of extinction throughout all or a significant portion of its range” is protected as “endangered” under the *Endangered Species Act (ESA)*. Cetacean species which are likely to become endangered within the foreseeable future are protected as “threatened.” The ESA prohibits the taking of any endangered or threatened species, subject to certain exceptions. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Cetacean species found in U.S. waters, which are currently listed under the ESA include:

- Beluga whale, Cook Inlet Distinct Population Segment (endangered)
- Blue whale (endangered)
- Bowhead whale (endangered)
- Fin whale (endangered)
- Humpback whale (endangered)
- Killer whale, Southern Resident Distinct Population Segment (endangered)
- North Atlantic right whale (endangered)
- North Pacific right whale (endangered)
- Sei whale (endangered)
- Sperm whale (endangered)

The ESA requires the federal government to scrutinize activities that may adversely affect threatened or endangered species and their critical habitats. Accordingly, all U.S. federal agencies must consult with NOAA Fisheries Service on activities they directly carry out, authorize, or fund that may affect a listed marine or anadromous species. These interagency, or section 7, consultations assist federal agencies to ensure that their actions do not jeopardize the continued existence of a species or destroy or adversely modify designated critical habitat. Biological opinions document NOAA Fisheries Service's opinion as to whether the federal action is likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. Biological opinions may authorize limited "take" of listed species while specifying the amount or extent of take anticipated and the measures necessary to minimize impacts from the federal action.

### *1.3 The National Environmental Policy Act*

Federal activities that may significantly affect cetacean and other wildlife species, or their habitats, or other components of the human environment must undergo an environmental analysis under the *National Environmental Policy Act (NEPA)*. Key activities regularly assessed for impacts on cetaceans are coastal development (dredging, bridges, port expansions), seismic surveying, military exercises and scientific research activities.

### *1.4 The National Marine Sanctuaries Act*

The United States also protects cetaceans through the designation of national marine sanctuaries, authorized under the *National Marine Sanctuaries Act*. National marine sanctuaries, as well as the Papahānaumokuākea Marine National Monument, manage and protect designated areas of the nation's oceans and Great Lakes and provide habitat for multiple cetacean and other protected species. One of the 13 designated sanctuaries, the Hawaiian Islands Humpback Whale National Marine Sanctuary, was designated specifically to protect humpback whales present in Hawaiian waters each year from November to May. Other sanctuaries provide important habitat for other large and small cetaceans.

## **2. Current Government programs related to cetacean conservation**

The United States is constantly conducting population abundance and distribution surveys throughout its waters, assessing the health of cetacean populations, and managing human-caused injury and mortality.

### *2.1 Cooperation with States and Alaska Native Organizations*

Under the ESA, NOAA Fisheries Service enters into agreements with states that establish and maintain an "adequate and active" program for the conservation of endangered and threatened species. Once a state enters into such an agreement, NOAA Fisheries Service provides federal funding for implementation of the state's conservation program. States use federal funding to support management, outreach, research, and monitoring projects with direct conservation benefits for threatened and endangered species.

NOAA Fisheries Service also has cooperative agreements with Alaska Native organizations to conserve marine mammals and co-manage subsistence hunting of cetaceans and other marine mammals. Cooperative agreements may include federal grants to Alaska Native organizations for collecting and analyzing marine mammal population data, monitoring the harvest of cetaceans for subsistence use, participating in cetacean research, and developing marine mammal co-management structures with government agencies.

### *2.2 Cooperation with Non-Governmental Organizations*

NOAA Fisheries Service formed a partnership in 2002 with a non-profit organization, the National Fish and Wildlife Foundation (NFWF), to coordinate two grant programs to further conservation efforts for critically endangered North Atlantic right whales. Through the National Whale Conservation Fund, NOAA Fisheries Service provides grants on a competitive basis for proposals designed to support research, management, recovery, and education/outreach activities related to the conservation of whale species.

To respond to cetacean strandings, NOAA Fisheries Service supports volunteer stranding networks in all coastal states and is developing capacity in all US territories. NOAA Fisheries Service coordinates, develops best practices, assists with diagnostics and research, provides training and provides some financial support through the John H Prescott Marine Mammal Rescue Assistance Grant Program for the stranding network personnel to detect, respond to and to collect data and tissue samples from stranded cetaceans for analysis to determine the cause of death and the presence of toxins, chemical contaminants, infectious disease, and indications of human interactions.

### *2.3 National Initiatives*

NOAA Fisheries Service develops Stock Assessment Reports (SAR) for each stock of cetacean that occurs in U.S. waters. Each stock assessment, as data availability allows, describes the stock's geographic range, a minimum population estimate, current population trends, current and maximum net productivity rates, optimum sustainable population levels and allowable removal levels, and estimates of all annual human-caused mortality and serious injury. This information is used, among other things, to evaluate the progress of U.S. commercial fisheries in reducing the incidental mortality and serious injury of marine mammals. NOAA Fisheries Service established three regional scientific review groups to advise and report on the status of marine mammal stocks, research needs for stocks, impacts to stocks, and methods to reduce incidental mortality of marine mammals incidental to fishing operations within Alaskan waters, along the Pacific Coast (including Hawaii), and the Atlantic Coast (including the Gulf of Mexico).

NOAA Fisheries Service also develops and implements recovery plans for cetaceans listed as threatened or endangered under the ESA. Recovery plans incorporate: 1) a description of site-specific management actions necessary to achieve recovery of the species; 2) objective, measurable criteria which, when met, would result in a determination that the species being removed from the list; and 3) estimates of the time and costs required to achieve the plan's goal. Many recovery plans are written by recovery teams, comprised of representative stakeholders. NOAA Fisheries Service has published final recovery plans for endangered blue whales, humpback whales, North Atlantic right whales, North Pacific right whales, and killer whales (southern resident distinct population segment). NOAA Fisheries Service is in the process of updating and revising recovery plans for endangered fin whales and sperm whales. There are no current recovery plans for endangered bowhead whales, sei whales, or beluga whales (Cook Inlet distinct population segment).

In 2004, NOAA Fisheries Service published a report titled, "Evaluating Bycatch: A National Approach to Standardized Bycatch Monitoring Programs." The report describes a National Bycatch Strategy for monitoring bycatch in U.S. fisheries. The United States has begun work on a subsequent National Bycatch Report that will provide a comprehensive quantification of regional and national bycatch estimates in U.S. commercial fisheries and provide a basis for setting bycatch management goals in the future. This report, planned for release in 2009, will discuss impacts and bycatch of protected species, including cetaceans, in U.S. federal, as well as some state, commercial fisheries where data and estimation procedures are available to support the development of bycatch estimates.

### *2.4 Research*

The U.S. Government conducts a wide variety of cetacean conservation research. Research projects include: surveys to assess population abundance and population dynamics; satellite tagging to ascertain cetacean movement patterns and habitat use; a report on the risks and benefits of tagging large whales; behavioral studies; biopsy collections to provide tissue samples for genetic research on population structure; fisheries bycatch mitigation efforts (including research on fishing gear modification and acoustic deterrent devices); field studies on the impacts of anthropogenic noise; studies to assess the effectiveness of ship strike reduction strategies; and toxicology and disease assessments.

In addition, NOAA Fisheries Service partners with scientists worldwide to conduct health assessment studies of wild marine mammal populations to develop baseline data, monitor trends, and investigate the impacts of disease, natural toxins, and pollution. Current health assessment projects include ongoing studies of bottlenose dolphin populations in the Gulf of Mexico and the Atlantic Ocean, endangered North Atlantic right whales, North Pacific gray whales, and several others.

## **3. Current threats to cetacean conservation and management measures taken/proposed**

### *3.1 Fisheries interactions*

Interaction with fishing gear can incidentally injure and kill cetaceans and is a leading human-related cause of serious injury and mortality for multiple cetacean species (including North Atlantic right whales and harbor porpoise in the Atlantic Ocean, bottlenose dolphins in the Atlantic Ocean and Gulf of Mexico, humpback whales in the Eastern Pacific Ocean, and false killer whales around the Hawaiian Islands). NOAA Fisheries Service works with the fishing industry to develop or modify fishing gear and practices to minimize bycatch. The MMPA requires NOAA Fisheries Service to reduce the incidental serious injury and mortality of marine mammals in commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate. NOAA Fisheries Service publishes an annual List of Fisheries categorizing each commercial fishery based on whether it has frequent (Category I), occasional (Category II), or remote likelihood of (Category III) incidental mortality and serious injury of marine mammals. Fishermen operating in Category I or II fisheries

must register with NOAA Fisheries Service, carry an observer if requested, and comply with any applicable take reduction plan regulations.

NOAA Fisheries Service develops and implements take reduction plans (TRP) to reduce the serious injury and mortality of strategic marine mammal stocks that interact with Category I and II fisheries to a zero mortality and serious injury rate. A strategic stock is one which is listed as threatened or endangered under the ESA, is declining and likely to be listed under the ESA, is listed as depleted under the MMPA, or has direct human-caused mortality which exceeds the stock's "Potential Biological Removal (PBR) level" (defined as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population). NOAA Fisheries Service convenes Take Reduction Teams, which consist of a balance of representatives from the fishing industry, fishery management councils, State and Federal resource management agencies, the scientific community, and conservation organizations to prepare TRPs. Once a TRP becomes effective, the team meets periodically to monitor the implementation and effectiveness of the plan. There are currently seven active take reduction teams.

### *3.2 Marine Acoustics*

Anthropogenic underwater sound has the potential to cause behavioral changes and other adverse effects on cetaceans, including population level effects. To better assess these potential impacts, NOAA Fisheries Service is working to develop noise exposure policy guidelines for cetaceans and other living marine resources. In addition, NOAA Fisheries Service works with the U.S. Navy to establish plans to monitor and mitigate its use of underwater tactical sonar, works with the commercial shipping industry to address the emerging international issue of shipping noise and its contribution to the ambient acoustic environment, funds research to improve understanding of the potential impact of sound on marine mammals, and contributes to public education. As an example of recent efforts, NOAA Fisheries Service, in conjunction with other partners, has been conducting behavioral response studies (BRS) for the past two years (2007/2008) in the Bahamas and this year (2009) in the Mediterranean Sea on beaked whales and other species to better understand behavioral impacts of noise exposure<sup>1</sup>. In addition, the Marine Mammal Commission has published "Underwater Sound and the Marine Mammal Acoustic Environment: A Guide to Fundamental Principles.

### *3.3 Ship Strike Reduction*

Ship strikes are a significant threat to large whales. In the United States, collision with vessels is a leading human-caused source of mortality for the endangered North Atlantic right whale. To address this threat, the United States has developed regulatory and non-regulatory measures to reduce ship strikes, including operational measures for vessels, education and outreach programs, technological research, and research and monitoring activities. In 1999, NOAA Fisheries Service and the U.S. Coast Guard implemented two Mandatory Ship Reporting systems, endorsed by the International Maritime Organization (IMO), for ships 300 gross tons or greater in two key right whale habitats—one off the northeast United States and one off the southeast United States. NOAA Fisheries Service and other state and federal agencies conduct extensive aircraft surveys for right whales. From these, right whale "alerts" and ship speed advisories are issued through multiple media outlets, in areas and at times where right whales occur. In November 2006 the United States established a set of recommended vessel routes in four locations off the U.S. East Coast to reduce the likelihood of ship collisions in key North Atlantic right whale habitats. The United States submitted a proposal to the IMO to reconfigure the East-West leg of the Traffic Separation Scheme (TSS) that services Boston, Massachusetts, which was approved in December 2006 and implemented in July 2007. The U.S. subsequently submitted a proposal to the IMO to reconfigure the North-South leg of the TSS, which was recently approved and went into effect in June 2009. Also proposed to and approved by the IMO in 2008 was a U.S. proposal to establish an area to be avoided (ATBA) in the Great South Channel off of Massachusetts. This seasonal, voluntary ATBA was implemented in June 2009. These modifications are expected to significantly reduce the risk of ship strikes to baleen whales in this area.

In December 2008, the United States implemented speed restrictions to reduce the threat of ship collisions with North Atlantic right whales. These regulations require ships 65 feet or longer to travel at 10 knots or less in certain areas at certain times of the year. NOAA Fisheries also calls for temporary voluntary speed limits in other areas or times when the presence of a group of three or more right whales is confirmed. Mariners are expected, but not required, to either avoid these areas or travel through them at 10 knots or less. NOAA has developed and distributed a Compliance Guide for Mariners for this rule.

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<sup>1</sup> Southall, B., Berkson, J., Bowen, D., Brake, R., Eckman, J., Field, J., Gisiner, R., Gregerson, S., Lang, W., Lewandoski, J., Wilson, J., and Winokur, R. 2009. Addressing the Effects of Human-Generated Sound on Marine Life: An Integrated Research Plan for U.S. federal agencies. Interagency Task Force on Anthropogenic Sound and the Marine Environment of the Joint Subcommittee on Ocean Science and Technology. Washington, DC.

In Glacier Bay National Park, Alaska, the National Park Service limits the speed of cruise ships to 13 knots and the number of ships entering the park to protect humpback whales.

In spring 2007, Stellwagon Bank National Marine Sanctuary and its partners implemented a new program to reduce the threat of ship strikes to endangered large whales that could result from transport of Liquefied Natural Gas (LNG) in waters off New England. Licenses granted to develop two LNG sites were conditioned upon the use of three passive acoustic monitoring arrays to reduce the threat of ship strikes. Use of these arrays was initially recommended by the NOAA's National Marine Sanctuary Program (NMSP) as part of formal consultations for these projects under the *National Marine Sanctuaries Act* (NMSA, 1972 amended 1992). Permitting was coordinated through NOAA Fisheries and the NMSP, and was the subject of a biological opinion rendered by the Fisheries Service under the Endangered Species Act via consultations with the U.S. Maritime Administration and the U.S. Coast Guard, acting jointly. The program establishes three passive acoustic arrays for detecting calling whales. Two of the arrays include real-time auto detection buoys, first at the site of port and pipeline construction, and later within the Boston shipping lanes or TSS. The buoys automatically detect northern right whale contact calls and transmit alerts in real-time via satellite connections.

#### **4. Reporting systems for cetacean injuries/mortality/strandings**

##### *4.1 Fisheries bycatch reporting*

All U.S. fishing vessel owners or operators must report all incidental injuries and mortalities of marine mammals that have occurred as a result of commercial fishing operations under the Marine Mammal Authorization Program (MMAP). In addition, the reporting of bycatch of marine mammals incidental to commercial fishing operations occurs through NOAA Fisheries Service's National Observer Program, stranding networks, and large whale disentanglement programs. Fisheries that result in frequent or occasional incidental mortality and serious injury of marine mammals must carry observers and register under the MMAP. Information on marine mammal interactions with commercial fisheries collected under this program and other sources provides the basis for determining whether the incidental serious injury and mortality of marine mammals in commercial fishing operations has been reduced to insignificant levels approaching a zero mortality and serious injury rate.

##### *4.2 Marine Mammal Health and Stranding Response Program*

NOAA Fisheries Service's Marine Mammal Health and Stranding Response Program (MMHSRP) was established in 1992 to: 1) correlate marine mammal health with available data on physical, chemical, environmental, and biological parameters; 2) coordinate responses to unusual mortality events; and 3) facilitate collection and dissemination of reference data and to assess health trends. The MMHSRP has several components including:

- National Marine Mammal Stranding Network
- Marine Mammal Unusual Mortality Event Response and Investigation Program
- John H. Prescott Marine Mammal Rescue Assistant Grant Program
- National Marine Mammal Tissue and Serum Bank Program
- National Marine Mammal Disentanglement Program
- Marine Mammal Biomonitoring Program
- Marine Mammal Analytical Quality Assurance Program
- Information Management Program

The National Marine Mammal Stranding Network consists of over 120 organizations, including nonprofit organizations, aquaria, universities, and state and local governments, partnered with NOAA Fisheries Service to investigate marine mammal strandings. In addition, NOAA Fisheries Service works with partners to evaluate the health and disease status of marine mammals through live capture release programs, by-catch monitoring programs, subsistence monitoring programs and free swimming remote assessments. The MMHSRP oversees the activities of the national stranding and disentanglement networks through a national coordinator and six regional coordinators. Every rescue and detailed study of stranded marine mammals yields information on species, sex, length, location, and any evidence of human interaction, as well as tissues and specimens for use in scientific research, for determination of the causes of stranding and death, for educational purposes, for life history investigations and for biological or health research needs. With these data along with data from other sources, NOAA Fisheries Service and its partners gain insight into the causes of strandings, the health and health trends of cetacean populations, and the identification of factors that may impact the health of wild marine mammal populations. NOAA Fisheries Service leads the investigations of Unusual Mortality Events (UMEs), which are declared when animals strand in unusually high numbers (especially highly-endangered animals), or in a strange location or time of year. A Working Group on Marine Mammal Unusual Mortality Events, comprised

of experts in marine mammal health, conservation medicine, biology, toxicology, and marine science, aids NOAA Fisheries Service and the Stranding Network in conducting more thorough investigations of unusual stranding events.

The National Marine Mammal Tissue Bank was established in collaboration with the National Institute of Standards and Technology (NIST) and provides protocols and techniques for the long-term storage of tissues from marine mammals for retrospective contaminant analyses. Tissue samples are contributed from several sources, including the Stranding Network, fisheries bycatch, health assessment studies and legal subsistence hunts. The Tissue Bank uses the network of partners including other trained personnel to collect tissues from specific indicator species (harbor seals, California sea lions, northern fur seals, ringed seals, pilot whales, harbor porpoises, Atlantic white-sided dolphins, pygmy sperm whales, bottlenose dolphins, rough-toothed dolphins, common dolphins, beluga whales, bowhead whales, and polar bears), animals from mass-stranding events, and from mortality events. In addition, serum banking as well as long-term storage of other tissues is being developed.

Over the last several years the program has documented an increase in Harmful Algal Bloom (HAB) related biotoxins in marine mammals (in new species and new geographic areas,<sup>2</sup> new hot spots and populations with very high levels of anthropogenic chemicals and an increase in detection of or geographic expansion of infectious diseases of concern for population and human health.<sup>3</sup> Scientists now recognize a link between these HAB related biotoxins and marine mammal mortality events as well as environmental influences on infectious agents that contribute to epidemics due to cycling pathogens.<sup>4</sup> For instance, over the last two years, NOAA Fisheries Service's partners have documented avian influenza in pinnipeds and new viruses in cetaceans. These studies contribute to a growing, worldwide effort of marine mammal biomonitoring not only to assess the health and contaminant loads of marine mammals, but also to assist in determining anthropogenic impacts on marine mammals, marine food chains and marine ecosystem health. NOAA Fisheries Service provides participants in the program with training and some financial support. Using strandings, bycaught, subsistence hunted and live capture release animals, the partners provide tissue/serum archiving, samples for analyses, disease monitoring and reporting and additional response during disease investigations.

## **5. Information on whale watching operations**

In the United States, whale watching focuses primarily on inshore dolphins, resident killer whales, humpback whales, fin whales, minke whales, right whales, and gray whales as they migrate close to shore. NOAA Fisheries Service prohibits viewing of marine mammals in a manner that can cause "harassment" of the animal, including feeding or attempting to feed an animal. NOAA Fisheries Service does not condone activities that involve closely approaching, interacting, or attempting to interact with cetaceans, including attempting to swim with, pet, touch, or elicit a reaction from the animals.

NOAA Fisheries Service has developed educational programs, viewing guidelines, and regulations to manage whale watching operations and to promote safe and responsible wildlife viewing practices. In addition, NOAA Fisheries Service and the NOAA's National Marine Sanctuary Program have developed a broad-based "Ocean Etiquette" program to promote ocean stewardship by providing the public with guidance on minimizing impacts to marine life and habitats. The "Ocean Etiquette" program includes the "Dolphin SMART" program, which is a voluntary recognition and education program encouraging responsible viewing by commercial businesses conducting and booking wild dolphin viewing tours in the Florida Keys National Marine Sanctuary. Based on the program's success in the Florida Keys National Marine Sanctuary, the program was expanded to portions of the Gulf of Mexico in 2008 and is currently in the planning and implementation stages in the Hawaiian Islands.

### *5.1 Recommended Viewing Guidelines*

Whale watching in the United States is managed mainly through viewing guidelines that include region-specific information for local species and habitats. NOAA Fisheries Service has developed viewing guidelines for each

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<sup>2</sup> [http://ocean.ceq.gov/about/sup\\_jsost\\_iwgs.html](http://ocean.ceq.gov/about/sup_jsost_iwgs.html)

<sup>3</sup> Gulland, F.M.D. 2006. Review of the Marine Mammal Unusual Mortality Event Response Program of the National Marine Fisheries Service. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-OPR-33, 37 p.; Rotstein DS, Burdett LG, McLellan W, Schwacke L, Rowles T, Terio KA, et al. Lobomycosis in 2 offshore bottlenose dolphins (*Tursiops truncatus*), North Carolina. Emerg Infect Dis [serial on the Internet]. 2009 Apr [date cited]. Available from <http://www.cdc.gov/EID/content/15/4/zzz.htm>

<sup>4</sup> Lloyd-Smith, J.O., Greig, D.J., Hietala, S., Ghneim, G.S., Palmer, L., St. Leger, J., Grenfell, B.T., and Gulland, F.M.D. 2007. Cyclical changes in seroprevalence of leptospirosis in California sea lions: endemic and epidemic disease in one host species? BioMed Central Infectious Disease 7: 125.

region.<sup>5</sup> NOAA Fisheries Service partners with other Federal and state agencies and non-governmental organizations to promote safe and responsible wildlife viewing practices. These viewing guidelines, which vary by region and species, promote a “Code of Conduct” that recommends approach distances for vessels and aircraft, methods for vessel and aircraft approach, speed limits for vessels in areas with high numbers of cetaceans, and maximum viewing time limits.

### 5.2 Regulations

While the majority of whale watching in the United States is managed through voluntary guidelines, whale watching of endangered humpback whales in Alaska and Hawaii is managed under regulations. These regulations prohibit vessels from approaching within 100 yards (91.4 m) of any humpback whale, including placing a vessel in the path of an oncoming humpback whale so that the whale surfaces within 100 yards (91.4 m) of the vessel. In Hawaii, aircraft are also prohibited within 1,000 feet (300 m) of any humpback whale. In Alaska, the U.S. National Park Service has additional regulations that prohibit the operation of a vessel within one-quarter nautical mile of a humpback whale and limits the speed of cruise ships to 13 knots in Glacier Bay National Park. Glacier Bay National Park also limits the number of cruise ships allowed in parts of the park when humpback whales are present.

The critically endangered status of North Atlantic right whales has prompted regulations that prohibit vessels conducting whale watching activities from approaching (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means. When within 500 yards (460 m) of a right whale, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed and any aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

NOAA Fisheries Service’s Pacific Islands Region and Northwest Region are currently considering regulations for viewing activities that may result in harassment of Hawaiian spinner dolphins and Southern resident killer whales. In the meantime, NOAA Fisheries Service continues to promote the recommended regional viewing guidelines for both species, respectively.

## 6. International cooperation activities

The U.S. Government, through the NOAA Fisheries Service and the Marine Mammal Commission, undertakes a number of research projects on cetaceans in U.S. waters and overseas. NOAA Fisheries Service also collaborates with non-U.S. scientists on a wide variety of cetacean research activities.

In 1992, the United States joined various Latin and South American countries to form the *International Dolphin Conservation Program*. In 1995, the United States and the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, and Spain came together and negotiated the Panama Declaration, establishing conservative species/stock specific annual dolphin mortality limits and representing an important step toward reducing bycatch of dolphins in commercial Eastern Tropical Pacific (ETP) tuna purse seine fisheries. The Agreement on the International Dolphin Conservation Program (AIDCP) aims to reduce incidental dolphin mortalities in the tuna purse-seine fishery through the setting of annual limits, seeks alternative means of capturing large yellowfin tunas not in association with dolphins, and ensures the long-term sustainability of tuna stocks and marine resources in the ETP. To date, Costa Rica, Ecuador, El Salvador, European Union, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Vanuatu, and Venezuela have ratified or acceded the AIDCP. Bolivia and Colombia are applying the Agreement provisionally.

Since 1995, the United States has conducted joint research on the western gray whales with the Russian Federation on a project within the Marine Mammal Project under Area V: Protection of Nature and the Organization of Reserves within the U.S.-Russia Agreement on Cooperation in the Field of Environmental Protection. This project was initiated to examine the conservation status, occurrence, distribution, behavior, and potential human-related disturbance of gray whales off the northeastern coast of Sakhalin Island. Recent findings show that eastern and western gray whales can be genetically differentiated at the population level, and should be recognized as geographically and genetically isolated population units. Although 172 whales have been identified off northeastern Sakhalin Island between 1994 and 2008, not all of these individuals can be assumed to be alive today. However, the actual population size of western gray whales, based on mark-recapture estimates from photo-identification and genetic data, is estimated to be 130 animals.

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<sup>5</sup> <http://www.nmfs.noaa.gov/pr/education/viewing.htm>

The Marine Mammal Commission (MMC) also supports domestic and international research that addresses important conservation issues for marine mammals or marine ecosystems. Cetacean-specific research funded in 2008 included improving acoustic survey methods for vaquita; identifying extinction drivers for the Yangtze River dolphin; management implications for New Zealand Hector's and Maui's dolphins; and Southern right whale stranding response. In addition the MMC has supported the publication on cetaceans of the southern and published a framework for monitoring arctic marine mammals. The latter describes a coordinated, multi-national and multi-disciplinary approach to ensure that adequate information is available to conserve arctic marine mammals in the face of climate change and associated changes in human activities.

Also, the U.S. Government is a party to a number of multi-lateral agreements related to cetaceans and their marine environments, in addition to its commitments through the IWC:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora
- Commission for the Conservation of Antarctic Marine Living Resources
- South Pacific Regional Environmental Program and United Nations Environmental Program's Specially Protected Areas and Wildlife Protocol for the Wider Caribbean.