



## NOAA FISHERIES SERVICE



The Protected Species Division provides stewardship of living marine resources through science-based conservation and management and the promotion of healthy marine ecosystems.

# Recommendations for Advertising<sup>1</sup> Whale Watching Activities in Alaska

NOAA Fisheries Service (NMFS) is responsible for administering the Marine Mammal Protection Act of 1972 (MMPA, 16 U.S.C. et seq.) for the conservation and management of all dolphins, whales, seals, and sea lions in the wild. Under the MMPA, it is illegal to harass or feed wild marine mammals. “Harassment” is defined as any act of pursuit, torment or annoyance, which has the potential to injure or disturb by causing disruption of behavioral patterns. It is also illegal to negligently or intentionally operate an aircraft or vessel in a manner that disturbs a marine mammal (50 CFR 216.3).

To avoid harassment, NMFS recommends that people watch wild marine mammals from a respectable distance using binoculars or telephoto lenses, stay clear of areas used for resting or sheltering, avoid surprising the animals, and never feed them. Advertisements that reflect this responsible approach to marine mammal viewing are recommended. The following guidelines are intended to assist commercial operators and magazine publishers in developing advertisements that do not depict illegal and harmful activities to wild marine mammals.

- Do not depict people feeding, touching, pursuing, chasing, attempting to swim with, or closely interacting with wild marine mammals or any activities that would violate the MMPA or ESA.
- Do not show vessels underway within close approach zones (i.e. vessels with wakes).
- Include a prepared statement about responsible large whale viewing in advertisements with close approach pictures such as (but not limited to), “This vessel adheres to the Alaska Humpback Whale Approach Regulations and does not intentionally approach whales within 100 yards. For the safety of the whales and our passengers, if a whale approaches our vessel within 100 yards, the vessel will place the engine in neutral and wait until the animal is located at a safe distance away from the vessel before reengaging the engines.”

<sup>1</sup>“Advertising” includes any print advertisements that mention the business’s name or those linked to the business, search engine listings, and any posted photos. This also includes, but is not limited to, pitch sheets, print, web, visual, and radio.