



Whale SENSE Alaska Program Framework

(Updated 3/1/2019)

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Whale SENSE Program Partners:

NOAA Fisheries Alaska Regional Office

Whale and Dolphin Conservation

NOAA Fisheries Greater Atlantic Regional Fisheries Office

I. Program Overview

- A.** The mission of Whale SENSE is to promote responsible stewardship of large whales in Alaska and the Greater Atlantic US and recognize commercial whale-watching companies that set positive standards for responsible practices and education.
- B.** This program is voluntary and offered to participating whale-watching companies at no charge.
- C.** Participating companies will be included on the list of Whale SENSE program participants. Participants may utilize the Whale SENSE logo in their advertisements once they have met the program requirements as specified by the program partners.
- D.** The program partners in administrating this agreement are the NOAA Fisheries Alaska Regional Office, Whale and Dolphin Conservation (WDC), and NOAA Fisheries Greater Atlantic Regional Fisheries Office. It is important to note that the program was developed in close collaboration with Juneau area whale-watching companies. Members of the whale-watch industry continue to play a significant role in the development and advancement of the Whale SENSE program.
- E.** The purpose of this program is to:

- Empower whale-watching industry leadership to serve as conservation stewards in the preservation of large whale species;
- Minimize the potential harassment of whales that may result from commercial viewing activities;
- Reduce inappropriate expectations of members of the public arising from wanting to closely interact with whales in a manner that may cause harassment (e.g., pressuring commercial vessels to intentionally approach animals in a manner that does not adhere to NOAA's Alaska Regional Humpback Whale-Watching Regulations and Marine Mammal Viewing Guidelines);
- Educate potential whale-watchers on whale protection and conservation measures;
- Reduce the potential causes of whale harassment that may result from inexperienced or aggressive operators maneuvering vessels around whales, lack of education about guidelines/regulations and laws applicable to responsible whale-watching, lack of awareness about large whale behavior and signs of disturbance;
- Increase reliable and consistent educational messaging to whale-watch passengers;
- Ensure participating whale-watching companies emphasize a conservative, respectful, and educated approach to whale-watching;
- Enhance the visitor experience of whale-watching in Alaska through this approach; and
- Promote the Whale SENSE program's commitment to responsible whale-watching practices, whale conservation, and ocean stewardship.

Whale SENSE is an education and public awareness program, not a law enforcement program. Any suspected violations of the Marine Mammal Protection Act (MMPA) or other laws will continue to be passed on to the NOAA Fisheries Office of Law Enforcement.

II. Program Objectives

- A.** The goal of the program partners is to sustain a voluntary education and recognition program for commercial operators to increase their awareness and knowledge, and ultimately that of their customers, about responsible marine mammal viewing practices,

whale behavior and biology/ecology, the laws and guidelines protecting whales, and stewardship of the marine environment. This in turn will provide a quality experience for passengers aboard participating operators. Objectives in support of this goal are as follows:

- 1) Program partners will develop criteria that will assist participants in achieving voluntary compliance with legal requirements, policies, and guidelines, as well as best practices aimed at preventing harassment of whales.
- 2) Program partners will develop outreach and education materials to ensure participants' awareness of the issues surrounding whale conservation and how to promote large whale conservation by preventing harassment.
- 3) Program criteria will promote marine stewardship and ocean literacy.
- 4) Program partners will determine the program's overall effectiveness in Alaska by developing an evaluation component to measure adherence to the program criteria.
- 5) Program partners will establish a platform for public recognition of operators complying with the program criteria.

III. Eligibility for Program Recognition

- A. Businesses conducting dedicated commercial whale-watching tours from Alaskan ports are eligible for Whale SENSE participation. Accreditation applies to an entire company, therefore all vessels, whether they are underway as a fishing boat or ferry, must adhere to the program.

IV. Criteria for Whale SENSE Participation^{1 2}

¹ *Participation in the Whale SENSE Program does not create any right to renewal and does not represent a waiver by NOAA to seek penalties that are provided by law if law violations are discovered. Nor does it imply that the vessel complies with the United States Coast Guard safety inspection or other applicable safety and insurance requirements. Passengers are encouraged to ask businesses if they maintain current inspection, license, and insurance documentation.*

² *For Charter businesses that take customers to view whales but also conduct other types of charters, such as fishing trips and ferry services: Whale SENSE participants agree to follow the program criteria if they encounter whales, even if they are running another type of charter when the encounter occurs.*

A. Conduct educational briefing onboard vessel.

- 1) Prior to viewing whales, naturalists/interpreters/narrators from participating companies will brief passengers about the Whale SENSE program. It is recommended that the briefing include:
 - a) What the program is;
 - b) Why it is important;
 - c) The code of conduct that participants agree to follow;
 - d) Who the program partners are; and
 - e) Where to obtain additional educational information.

This can be a brief or of longer duration, depending on a company's individual style and preference. As an example, an announcement could be made that could go something like this:

“As we head out of the harbor to begin our trip, we’d like to let you know that our company belongs to a program called Whale SENSE. Whale SENSE is a voluntary education and recognition program to promote responsible marine mammal viewing and stewardship of the marine environment and we are excited/proud to be a part of it. It’s a partnership between NOAA Fisheries, Whale and Dolphin Conservation, and whale-watch operators. As members of the program, our company follows certain guidelines like slowing our speed, managing our time near whales, and communicating with other operators to help reduce disturbance to whales and other wildlife. If you’re interested in learning more, feel free to ask me about WhaleSENSE during our trip.” (When read aloud, this sample narrative runs under a minute.)

- 2) At some point during the trip, naturalists should also identify and explain applicable marine mammal protection laws and the purpose and importance of viewing regulations/guidelines to passengers onboard each trip. For humpback whale viewing in Alaska, naturalists should explain NOAA Fisheries 2001 Humpback Whale Approach Regulations and the agency's additional Alaska Marine Mammal Viewing Guidelines. They should also educate passengers that humpback whales are protected under the Endangered Species Act and the Marine Mammal Protection Act.

B. Distribute outreach materials.

- 1) Participating companies will make Whale SENSE materials available to passengers, or

direct passengers to sources where materials are available. Program partners will supply outreach materials at no charge.

C. Naturalist Resources

- 1) Naturalists may join the “Whale SENSE Naturalist” group on Facebook (maintained by WDC and NOAA Fisheries). Current information about research, marine mammal policy, and current news about entangled whale sightings, etc, will be posted and naturalists and crew of Whale SENSE companies can use this platform for asking questions and sharing information among naturalists and with Whale SENSE partners.

D. Comply with applicable laws.

- 1) Participating companies will comply with all applicable resource protection laws and regulations (e.g. Marine Mammal Protection Act, Endangered Species Act, and Alaska Humpback Whale Approach Regulations).

E. Report problems to the appropriate networks.

- 1) Participants agree to report ship struck, stranded, injured, dead, or entangled marine mammals to the NOAA’s Alaska Marine Mammal Stranding Hotline: 1-877-925-7773, NOAA Fisheries Alaska Protected Resources Office at 907-586-7235, or USCG via CH-16. If an entangled whale is reported, where possible, stand-by and keep the whale in sight or arrange for another vessel to maintain sight of the whale.
- 2) Participants are encouraged to report Marine Mammal Protection Act and/or Endangered Species Act violations³ to NOAA’s Office of Law Enforcement’s hotline: 1-800-853-1964
- 3) Participants will keep important contact information readily available in the wheelhouse.

F. Follow NOAA’s regulations, policies, guidelines, and recommendations to prevent harassment.

- 1) Follow NOAA’s Fisheries’ policy statement on marine mammal harassment: *“Interacting with wild marine mammals should not be attempted, and viewing marine mammals must*

³ *Whale SENSE is an education and public awareness program, not a law enforcement program. Any suspected violations of the Marine Mammal Protection Act (MMPA) or other laws will continue to be dealt with through the appropriate law enforcement agency and will not be dealt with through the SENSE program.*

be conducted in a manner that does not harass the animals. NOAA's Fisheries cannot support, condone, approve or authorize activities that involve closely approaching, interacting or attempting to interact with whales, dolphins, porpoises, seals or sea lions in the wild. This includes attempting to swim with, pet, touch, or elicit a reaction from the animals."

- 2) Utilize best practices and follow NOAA Fisheries Alaska Humpback Whale Approach Regulations and Marine Mammal Viewing Guidelines to the best of vessel's operational ability (available online at <http://alaskafisheries.noaa.gov/protectedresources/mmv/guide.htm>).
- 3) If adequate space aboard the vessel, post a graphic, brochure, placard, or poster, describing Alaska Humpback Whale Approach Regulations and Marine Mammal Viewing Guidelines in an area accessible for public viewing. Program partners will supply these materials upon request at no cost.

G. Exceed standards specified by law, policies, and guidelines to promote stewardship.

- 1) Participants will create and/or participate in at least one project exemplifying marine stewardship.
 - a) Projects are developed by each company and must be linked to NOAA's Ocean Literacy Principle. Multiple companies may work together on stewardship projects under the program. It is recommended that the goals of the project be shared with passengers onboard each trip.
 - b) The stewardship project will be identified in writing (no later than May 15) by the participating company to the Whale SENSE Coordinators.
 - c) Examples of projects may include (but are not limited to):
 - Participation in marine debris and beach clean-ups;
 - Sponsorship of internship programs;
 - Supporting marine mammal research;
 - Taking classrooms out for educational whale-watches;
 - Hosting educational talks at public venues, such as libraries and schools; or
 - Creating a new stewardship project (prior approval required from Whale SENSE Coordinators)
- 2) Whale SENSE operators agree to not deploy and fly unmanned aircraft (i.e. drones) from their vessels in an effort to reduce disturbance to wildlife and other vessels on the

water.

- 3) Whale SENSE objectives should not be compromised if the company also participates in other business activities such as ferry or fishing services. Companies agree to uphold a standard of responsible practices and code of conduct if marine mammals are viewed during these additional activities.

H. Participate in SENSE training.

- 1) Participating operators, captains, and naturalists/interpreters/narrators must participate in training provided by the program partners to attain an accurate knowledge standard on laws protecting whales, whale viewing etiquette, natural versus disturbed behaviors, research and conservation messaging, anthropogenic interaction, and reporting.
- 2) Participating owners/managers must ensure all naturalists, operators, and captains will be trained according to program standards. The Whale SENSE Coordinators will arrange online and in-person training options and provide necessary materials to participants to ensure that all company operators, captains, and naturalists/interpreter/narrators will be trained according to the program standards.

I. Engage in responsible advertising^{4 5 6}.

- 1) Participants agree to engage in advertising that promotes responsible wildlife viewing and follow NOAA Fisheries “Recommendations for Advertising Wild Marine Mammal Viewing”:
 - a) Do not depict people touching, pursuing, chasing, attempting to swim with, or closely interacting with wild marine mammals or any activities that would violate the MMPA

⁴ “Advertising” includes any print or electronic 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. Flexibility will be given to new companies that enrolled after their seasonal brochures are printed. In these cases, meeting these criteria will only be applied to electronic sources (i.e. websites, social media sites, etc.).

⁵ The advertising guidelines are intended to help participants advertise responsible marine mammal viewing by avoiding advertisements that raise the public’s expectation to engage in inappropriate, close human interactions with marine mammals.

⁶ Participants will be encouraged to familiarize themselves with the Federal Trade Commission’s rules for “truth-in-advertising” to ensure advertisements are truthful and non-deceptive about marine mammal viewing experiences. Participation in this program does not ensure adherence to the Federal Trade Commission’s advertising policies.

or ESA or other regulatory measures.

- b) Do not show vessels underway within close approach zones (e.g. vessels with wakes within 100 yards of a humpback whale or other marine mammal species).
- c) Include a prepared statement or photo caption about responsible whale viewing in advertisements with close approach pictures. An example “This vessel adheres to NOAA Fisheries Alaska Humpback Whale Approach Regulations and does not intentionally approach whales within 100 yards. For the safety of whales and our passengers, if a whale approaches our vessel within 100 yards, we place the engine in neutral and wait until the animal is located safely away from the vessel before reengaging the engines.” (If this statement is too long for available page space, the first sentence can be considered adequate.)

J. Promote the Whale SENSE Program.

- 1) Participants will help promote the Whale SENSE program by posting SENSE annual placards onboard each vessel, ticket booth, and souvenir shop as space allows (to be provided by partners at no cost).
- 2) Participants may link their company website to the Whale SENSE website (www.whalesense.org).

K. Engage in the feedback process.

- 1) Participants agree to provide constructive feedback to program partners before, during, and after each season.
- 2) Participants agree to participate in pre and post season meetings or teleconferences.
- 3) Given the additional challenges in Juneau from the higher number of whale watching vessels, Juneau Whale SENSE operators will be required to send at least one company representative to pre and post season Whale SENSE meetings to cover Juneau-related program topics.
- 4) Participants agree to review program materials and provide suggestions, comments, and concerns to program partners when applicable.

L. Participate in annual evaluation.

- 1) Participating companies agree to participate in annual evaluation processes described in section VI of this Framework.

- 2) Program evaluation will assess Whale SENSE's effectiveness and measure the program's success in meeting the program objectives.

V. Process for Program Participation

A. Initiating Participation:

- 1) Business owner or manager indicates to NOAA Fisheries' Whale SENSE Coordinator the desire to become a Whale SENSE participant. NOAA's Whale SENSE Coordinator provides business owner/manager with a checklist of Whale SENSE program components and criteria, as well as materials to help the business prepare for an evaluation before Coordinator confirms company participation and recognition.
- 2) Business owner or manager identifies the following information to Whale SENSE coordinators:
 - a) Whale SENSE point of contact;
 - b) Best means of communication;
 - c) Stewardship project concept the company will pursue; and
 - d) A list of known personnel who will be on staff during the whale-watching season by May 15.
- 3) Company will ensure all of the naturalists and captains have completed the Whale SENSE training prior to May 15.
- 4) Whale SENSE Coordinators will view the participating company's website to ensure no depictions of illegal behavior are posted.
- 5) Whale SENSE coordinators will conduct mid-season unannounced ride-alongs (when possible) with Whale SENSE businesses to observe a complete whale-watching tour to ensure the program commitments are being met.
 - a) Whale SENSE Coordinators will provide ride-along evaluation results to the participating company within one week of the site visit and review of information.

B. Renewing Participation:

- 1) Recognition materials, such as vessel decals that publicize participation in the program and display the current year. Only a current-year decal indicates active participation in the Whale SENSE program. Recognition for all Whale SENSE participants automatically expires at the end of each calendar year.

- 2) Companies renewing their participation must complete an application for Whale SENSE participating each calendar year.
- 3) Printed advertisements and brochures; Companies agree to make sure all advertisements meet Whale SENSE advertising criteria at the time of renewal request.
- 4) Companies agree to be responsible for all of their captains and naturalist/guides completing the annual training no later than May 15 or within two weeks of onboarding a new employee.
- 5) New decals will be distributed to participants after the company completes the Pre-Season Requirements Checklist.
- 6) Whale SENSE public awareness materials (e.g. press releases, website content, blog posts) will be updated as appropriate to reflect the current list of participants.

C. Whale SENSE Recognition:

- 7) Upon successful completion of training, the applicant will be included on the list of program participants and receives all program materials and decals with the Whale SENSE logo to display on its vessels, ticket booths, and/or advertisements.

VI. Program Evaluation

A. Purpose of Annual Evaluation:

- 1) Evaluation of participants annually is essential to gauge the program's effectiveness and success. This success relies on participants continuing to follow the program criteria after their initial evaluation and after receiving recognition as a Whale SENSE participant. The annual evaluation will typically take place between **June & August.**
 - a) **The goal of annual evaluation is to ensure that the Whale SENSE criteria are followed and encourage constructive dialogue, not to eliminate participants from the program.** Therefore, the focus of the annual evaluation process is to provide participants with constructive feedback related to meeting the Whale SENSE criteria. While program participants are expected to adhere to NOAA's Alaska Humpback Whale Approach Regulations and Marine Mammal Viewing Guidelines to the best of their ability, partners acknowledge that some of the parameters may not be observable by an evaluator on deck. Therefore, program partners will work to limit evaluation criteria to only easily observable operational guidelines.

- b) Whale SENSE Coordinators will conduct unannounced ride-alongs with as many Whale SENSE companies as possible each year (depending on program funding availability).
- c) If conducting an on-board evaluation, the evaluator will book, pay for, and attend a regularly scheduled departure. The evaluator will evaluate the voyage for adherence to the Whale SENSE program criteria using a standard, predetermined reporting form.
- a) Government funds, grant funding or funds from a non-profit partner organization will cover the cost of trips taken by Whale SENSE evaluators to evaluate program participants.
- b) At the conclusion of the trip, the evaluator will review evaluation results, noting any areas of concern and share them directly with the partner's management, but not to other operators.

B. Discrepancies from third-party and passenger feedback evaluation process:

- 1) If Whale SENSE Coordinators receive reports of program discrepancies from third-party evaluators or passengers, Coordinators will follow the "Complaints Procedure" outlined in section VII of this Framework.

C. If a program deviation is determined:

- 1) The participant will be notified within 48 hours of the deviation by email or phone.
- 2) The participant will have 14 days from the date of the notification to revise their practices.
- 3) Participant re-evaluation will occur after the 14-day timeframe mentioned above through a spot check, passenger evaluation, meeting with Whale SENSE program coordinator, or ride-along by the program coordinator, volunteer, or third party.
- 4) If the company fails to revise their practices after being given **no more than three opportunities** to meet the Whale SENSE standards, the company must remove the SENSE logo from its vessel(s) and advertisements, and the company name will be removed from the Whale SENSE website and future seasonal program promotions.

VII. Complaints Procedure⁷

The following procedure establishes a process to address complaints received from the public regarding Whale SENSE participants not meeting the program criteria.

A. Telephone Complaints:

- 1) A record of the conversation will be made and the complainant asked to put their concerns in writing.
- 2) The complainant will be advised that a copy will be provided to the participant against whom the complaint was made.
- 3) No further action will be taken unless a written complaint is received by NOAA or WDC.
- 4) If a written complaint is received, the Complaints Procedure (detailed below in Whale SENSE Framework Section VII (B)) will then be applied.

B. Complaints Procedure:

- 1) The NOAA Whale SENSE Coordinator will assess whether the complaint is from a reliable source and if the complaint relates to the program's criteria. If the complaint does not relate to the program criteria, no further action will be taken.
- 2) If the complaint does relate to the SENSE program criteria, NOAA's Whale SENSE Coordinator will forward a copy of the complaint to the participant involved, outlining the main points of the complaint. The complainant's personally identifiable information (i.e. name, address, email, etc.) will be used for internal use only and will not be made public or available to the company in question.
- 3) In the copy of the complaint submitted to the participating company, the Whale SENSE Coordinator will request a response from the participating company (i.e. was there a specific reason recorded in the vessel's logbook, or does the captain/naturalist recall the circumstances of the program deviation). Responses should be returned to the Whale SENSE Coordinator, in writing, within 5 days of receiving the complaint copy, unless the

⁷ *If any complaint is investigated by NOAA Office of Law Enforcement as a take under the Marine Mammal Protection Act, Endangered Species Act results in a judgment against the participant, the participant is dropped from the Program. Future reinstatement will be at the discretion of the SENSE program partners.*

Coordinator grants an extension.

- 4) Whale SENSE Coordinators will review the participant's response, and consider whether or not the points have been adequately addressed. If the Whale SENSE Coordinators determine the participant has deviated from the program criteria, the participant will be given 2 weeks to address areas of concern. The participant will then be then re-evaluated utilizing options outlined in section VI of this Framework. The program coordinators will select the most appropriate evaluation method.
- 5) If a second written complaint is received by NOAA or WDC within one year, the participant will undergo additional evaluation in accordance with the procedures described in Whale SENSE Framework Section VI.
- 6) If three valid complaints are received and upheld within one year, the participant will be ineligible to participate in the Whale SENSE program for one year. The participant will be removed from Whale SENSE program materials, and will not receive annual renewal decals. The company agrees to return current year decals and remove references to the Whale SENSE program from their websites and advertisements.
- 7) The participant may request re-evaluation and renewed participation after one full year of non-participation.

VIII. Program Framework Review

A. Annual Review:

- 1) An annual review of the Whale SENSE participation criteria and program framework will ensure the program is functioning as intended and provides the opportunity to address issues that were not foreseen when the criteria were initially developed.

IX. Educational Component

A. Education/Outreach Materials:

- 1) Well-crafted outreach and educational materials provided to the general public may encourage support of whale stewardship in Alaska. As feasible, Whale SENSE partners will develop outreach and education materials to meet SENSE participants' stated outreach needs.

B. Continuing Education:

- 1) Whale SENSE partners will present program framework updates during the annual and refresher trainings.
- 2) Whale SENSE partners may conduct additional educational workshops, upon request by the program participants, on relevant topics of interest such as local research.
- 3) Whale SENSE partners will maintain the Whale SENSE Naturalist Facebook Group to promote educational events, professional development opportunities, marine related research updates, and to foster communication amongst whale-watching naturalists.
- 4) Whale SENSE partners will maintain and update an online Naturalist Resource Center (www.whalesense.org/naturalist-resource-center/).

X. Whale SENSE Program Public Awareness

A. All program partners (NOAA, WDC) and participants (operators) will engage in activities intended to raise public awareness of this program and the importance of responsibly viewing large whales.

B. These activities may include (but are not limited to):

- 1) Whale SENSE program partners will post information on their websites about the Whale SENSE program, including a list of current participants.
- 2) Whale SENSE program partners will conduct outreach about the Whale SENSE program in various publications.
- 3) Whale SENSE program partners will work with other organizations to promote the importance of the Whale SENSE program through their websites and applicable publications.
- 4) Whale SENSE program partners will recognize SENSE program participants through press releases acknowledging the companies' successful completion of the program's training and their agreement to follow the voluntary program criteria.

Whale SENSE program participants may use the Whale SENSE logo in advertisements that meet the Whale SENSE advertising criteria as outlined earlier in the document, and must remove the logo if dismissed from the program.

