



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way NE
Seattle, Washington 98115

June 9, 2011

Dear Whale Watch Operators:

Thank you for your letter of May 23, 2011 and for the opportunity to meet with some of you on May 26, 2011. I appreciate you sharing your concerns as we begin the summer boating season with new regulations in place to protect killer whales. Your input has been very important to us throughout the rulemaking process and we value your contribution to implementing actions in our recovery program. I'd like to continue open communication through this transition period and work together to identify ways to strengthen our partnership.

We adopted regulations to address the worst or most harmful behavior. We recognize, however, that the regulations can affect vessel operators who are well-meaning and making an effort to act responsibly. As the monitoring data clearly show, recreational boaters are more likely than whale watch operators to approach the whales too closely, putting the whales at risk. We now face the challenge of educating boaters about the regulations, so they can comply with the new rules. I appreciate your commitment to comply with the new regulations and am confident that your industry will serve as a valuable example on the water of proper whale watching practices. We have identified your past record of continued improvement, high level of compliance, and proactive steps (like creating the PWWA guidelines) in the documents supporting our regulations. We will continue to share this information with the public to recognize your efforts and support. Thank you for your suggestions on how we can provide recognition of your good performance to the public and the media.

Attached is our Implementation Plan, which includes our plans for education, enforcement and monitoring. The Implementation Plan includes updated Be Whale Wise materials and the new handouts specific to the regulations. We hope you will continue to help with our education program by sharing this information with your passengers. Research indicates that whale watch participants value responsible viewing that does not impact the whales. Strong messages about the conservation value of the regulations should help you capitalize on the good will of your passengers and increase their satisfaction. Please let us know if there is any additional information we can provide to help deliver this message.

I heard your strong concerns about the need for a reliable enforcement presence on the water and share your view that effective enforcement is essential to achieving compliance with the new regulations, supporting your industry, and meeting the goals of the regulations: to conserve and protect killer whales. As identified in the implementation plan, my office is working closely with our enforcement partners to identify resources and training to have a visible and consistent presence on the water this summer.



In your letter and at our meeting you raised concerns about monitoring. As we discussed, consistent and objective monitoring is essential for us to evaluate the effectiveness of the regulations. We will continue to work with and support Soundwatch this year to collect data on vessel activity near the whales as described in the Implementation Plan. While the monitoring programs have evolved over the years, the data collection has been a consistent source of valuable information about the level of risk the whales face from various vessel types and activities. This data set also provides value to the industry in showing your steady improvement and high levels of compliance. While NOAA has not funded or received the feedback reports for specific companies, we acknowledge that this type of monitoring information has been the source of tension in recent years. In addition, with the new regulations, the implications of gathering compliance information for specific companies have changed. While I understand there are differing opinions about the decision to discontinue this data collection, I hope that some of the tensions will be alleviated and this approach will help restore a positive working relationship between Soundwatch, Straitwatch and the industry.

In addition to collecting information on compliance with Be Whale Wise guidelines and the new regulations, NOAA has committed to collecting information regarding the potential impacts of the regulations. I ask that you provide feedback and help us identify appropriate metrics to evaluate economic impacts of the new regulations. Please assist us in identifying ways to track if our predictions and assumptions were correct or if there are impacts we did not anticipate.

I want to assure you that the new vessel regulations are only one part of our comprehensive program to recover Southern Resident killer whales. We recently completed a 5-year review of the recovery program. The review identifies actions we have implemented with our partners to address all of the threats and is available on our web page at: <http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Killer-Whales/ESA-Status/KW-ESA-5-yr.cfm>. Thank you for your support of the recovery program, particularly through continued education of your many interested and engaged passengers.

I have sent this letter to you as a member of the Pacific Whale Watch Association. I understand the status of the Association is uncertain. I'd like to take this opportunity to support continuation of the Association. By working together on industry specific best practices and guidelines you have demonstrated leadership and the Association provides a mechanism to showcase your proactive efforts to conduct responsible whale watching programs for consumers. The paper you provided, *Pacific Whale Watch Association (PWWA): Past, Present and Future*, included a long list of your positive actions as an industry association and I hope you will continue to work together so we can more easily highlight your efforts in our communications. We value our long-term relationship with the Association and the role the Association plays in facilitating open two-way communication. We look forward to your input as we update and refine viewing guidelines and evaluate the regulations. I hope that you will continue to work together and work with us as we all strive to protect the whales.

Thank you for your cooperation and continued assistance in moving forward with killer whale conservation. Please don't hesitate to contact me or Lynne Barre with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "William Stelle". The signature is written in a cursive style with a large initial "W".

William W. Stelle, Jr.
Regional Administrator

Attachment

NMFS Implementation Plan: New Regulations to Protect Killer Whales in Washington