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Regional Workshop on Marine Mammal
Watching in the Wider Caribbean Region

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**OVERARCHING PRINCIPLES AND BEST PRACTICE GUIDELINES FOR
MARINE MAMMAL WATCHING IN THE WIDER CARIBBEAN REGION
(WCR)**

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PREAMBLE

1. The people of the Wider Caribbean Region (WCR) depend greatly on coastal and marine resources for their economic, social and cultural well-being. One of the region's major economic activities—tourism—is dependent on these resources and, therefore, it is critical that it be developed and carried out in a responsible and sustainable manner. A growing, yet not fully realized component of tourism in the WCR is marine mammal watching.
2. With a potential for growth in existing operations and the possibility of new ones emerging, it is an opportune time to develop a regional plan for the development of a high-quality, responsible marine mammal tourism industry that conforms with best practices, including enhanced coordination and partnering among stakeholders and information sharing.
3. In 2000, the Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region (SPAW) entered into force. This Protocol, one of three supplementing the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention), is the only regional biodiversity legal agreement for the advancement of the conservation and protection of the marine environment in the Wider Caribbean Region. The SPAW Protocol calls for the development and implementation of conservation, recovery or management programmes, as well as guidelines and criteria for the management of protected species (<http://www.cep.unep.org/about-cep/spaw>).
4. As part of its obligations under the Action Plan for the Conservation of Marine Mammals in the Wider Caribbean Region (MMAP), the United Nations Environment Programme – Caribbean Environment Programme (UNEP-CEP), through the SPAW sub-programme, convened a Regional Workshop on Marine Mammal Watching in the Wider Caribbean Region which brought together marine mammal tour operators and government regulators from across the WCR to discuss the marine mammal watching industry in the region. The Workshop, with funding provided by the National Fish and Wildlife Foundation, U.S. Marine Mammal Commission, Humane Society International, the Pacific Whale Foundation, Animal Welfare Institute, the World Society for the Protection of Animals, International Fund for Animal Welfare, the French Marine Protected Area Agency and the Agoa Marine Sanctuary, took place between the 19-22 October 2011 in Panama City, Panama to:
 - Assess the extent of problems and needs in existing marine mammal watching operations;
 - Identify opportunities in existing marine mammal watching operations;
 - Discuss the formulation of a regional code of conduct for observing marine mammals;
 - Standardize data collection forms and organize baseline research on marine mammals;
 - Document existing marine mammal educational materials; and

- Discuss next steps with regards to marine mammal watching in the WCR.
5. A product of the Workshop was the development of overarching principles and best practice guidelines for marine mammal watching in the WCR. These principles and guidelines take into consideration pre-existing codes of conduct and regulations from countries within, and outside, the WCR, on issues such as swimming with marine mammals in the wild, and the type of vessels that should be used during interactions, and closely follows the steps and language used in the document, Pacific Islands Regional Guidelines for Whale and Dolphin Watching (IFAW, 2008). All of the principles and guidelines developed for the WCR were agreed upon by the tour operators and regulators present at the workshop and may serve as the basis upon which each country's own codes of conduct and regulations may be developed.
 6. These overarching principles and best practice guidelines for marine mammal watching in the WCR will be presented by the UNEP-CEP Secretariat to the Seventh Conference of the Parties to the SPAW Protocol for consideration and decision on further action.

INTRODUCTION

7. The Wider Caribbean Region (WCR) region is important for a great number of marine mammals, whether as a permanent habitat, a breeding ground or a migration corridor. Currently, at least thirty-two species of marine mammals have been identified in this area. The presence and diversity of marine mammals in the WCR region has led to the development of marine mammal watching, both on a commercial and recreational basis. Marine mammal watching, in this context, is defined as viewing activities in the natural environment, of any marine mammal species from land, sea or air.
8. In order to ensure the conservation of marine mammals in the WCR region, it is our responsibility to minimize the disturbance caused by our presence. An initial step towards that goal is the development of best practice guidelines for the WCR to ensure the sustainable development of the marine mammal watching industry. These codes would apply to all types of marine mammal watching, including dedicated, seasonal and opportunistic, commercial operators, and recreational vessels.

OVERARCHING PRINCIPLES

9. Overarching principles of these guidelines might include:
 - Ensure the conservation of marine mammals and their habitats in the Wider Caribbean Region;
 - Ensure a precautionary approach to the development and management of marine mammal watching in the Region;
 - Minimise the impact of viewing activities on marine mammals, other species and the ocean ecosystems in the Region;
 - Provide long-term benefits for the livelihood of local communities;
 - Promote local knowledge and understanding of marine mammals and the marine environment through training, education and dedicated research.
10. The following management considerations and guidelines for marine mammal watching were developed for the Wider Caribbean Region (WCR) in 2011¹ taking into account the existing national guidelines, decrees and regulations in the Region.

MANAGEMENT CONSIDERATIONS

11. In an effort to minimize the risk of adverse impacts caused by marine mammal watching and to ensure the sustainable development of this industry, effective management strategies need to be implemented. Several tools and approaches should be considered:
 - National licensing or permitting schemes to regulate:
 - The number, size and type of vessels,

¹ Regional Workshop on Marine Mammal Watching, Panama City, Panama 19-22 October 2011

- Standards of operation
- Site specific and species specific requirements
- Research and media
- Training for operators

and sanctions for non-compliance, such schemes subject to change and improvement;

- National measures to regulate approaches, frequency, length and type of exposure in encounters with marine mammals;
- Development of cooperative regional management provisions wherever appropriate;
- Management measures, to include closed seasons, exclusion zones, and ‘no approach times’ to provide additional protection to habitats, populations, and individuals;
- Assessment of the numbers, distribution and other characteristics of the target population/s before the implementation of tourism operations to establish the feasibility of the industry and a baseline for monitoring;
- Where new marine mammal watching operations are evolving, start cautiously, moderating activity and adapting management until sufficient information on populations and species is available to guide further development;
- Monitoring the effectiveness of management provisions and modifying them as required to reflect new information and circumstances, with the consultation of stakeholders;
- Establishment of an enforcement framework to ensure compliance with regulations;
- Scientific and socio-economic research and monitoring, assessment of potential impacts on marine mammals, and collection and sharing of information by all stakeholders;
- Dissemination of information on best practice and research to improve public awareness, including all stakeholders;
- Ongoing operator and naturalist training and accreditation programmes on the biology and behaviour of target species, local ecosystems, navigation, culture, best practice of marine mammal watching operations, and the management provisions in effect;
- Supporting, protecting and empowering WCR communities’ participation and ownership of the marine mammal watching industry;
- Educational standards for the provision of accurate and informative material to marine mammal watch participants, to:
 - Develop an informed and environmentally responsible public;
 - Encourage development of realistic expectations during encounters;
 - Encourage the provision of naturalist guides on all boats; and
 - Encourage public participation in on-board programmes

GUIDELINES FOR WATCHING MARINE MAMMALS

12. Marine mammal watching activities can potentially have adverse impacts on marine mammal populations, including disruption of important behaviours, displacement from habitat, chronic stress and serious injury. Therefore, persons should:
- Operate watercraft, and aircraft so as not to disrupt the normal movement or behaviour of marine mammals.
 - Stop watching a marine mammal at any sign of the animal becoming disturbed or alarmed.
 - Allow marine mammals to determine the nature, duration and proximity of watching and possible 'interactions'.
13. Therefore, the following recommendations should be considered:
- Do not touch a marine mammal.
 - Do not feed a marine mammal.
 - Do not make any loud or sudden noises that are transmittable under water.
 - Do not make sudden or repeated changes in direction or speed.
 - Do not carry out any activities that might condition marine mammals to approach watercraft.
 - Do not throw litter into the water.
 - Dedicated observer(s) should be on duty, in addition to the captain of the vessel.
 - Do not place a vessel in a position where it will drift into marine mammals.
 - When watercraft are in known manatee habitat, speed should not exceed 5 knots.
 - Leave boat engine on and in idle, or drop sails, when watching marine mammals.
 - Do not disperse or separate a group of marine mammals.
 - Watercraft should not chase, encircle, leap-frog, block the direction of travel of marine mammals or access to the open sea, or position itself in the middle of a group.
 - If marine mammals approach the watercraft, slow down gradually, put engines in idle or drop sails.
 - If dolphins approach a vessel to bow-ride or wake-ride, maintain a steady speed and avoid changes in course.
 - When departing from marine mammals, determine where the animals are relative to the watercraft to avoid collisions or coming too close to the animals, and increase speed gradually only after confirmation that the animals are outside the no approach zone.
 - Watching marine mammals for more than 30 minutes, or 3 dive sequences with sperm whales, is discouraged.
 - Any accidents or collisions with marine mammals should be documented and reported to relevant authorities.

WATERCRAFT

14. Watercraft should meet appropriate safety standards.
15. Certain watercraft should not be used for marine mammal watching. These include jet skis and similar crafts (e.g. all motorized personal watercraft), parasail, remotely operated craft, wing in ground effect craft, hovercraft, windsurfers, kite surfers. The use of aircraft and helicopters for marine mammal watching is discouraged, except in the case of permitted scientific research and media.

ANGLES AND DISTANCES OF APPROACH

Approach

16. The most appropriate method for approaching a whale or a dolphin is from the side and slightly to the rear of the animal. Avoid approaches from head on or directly from behind. In the case of sperm whales, approach animals from the rear and slightly to the side.

Caution zone

17. A caution zone is an area in which watercraft should proceed at a no-wake speed (6 knots or less).
18. The caution zone is the area within 300m from a whale, 150m from a dolphin and 50m from a manatee. Within 50m of a manatee, engines should be shut off.
 - No more than 3 watercraft should be in the caution zone of a marine mammal at a time.
 - When there is more than one watercraft in the caution zone, operators should coordinate movements and maintain radio contact.
 - Observe marine mammals at a speed not exceeding the speed of the slowest animal.

No approach zone

19. The no approach zone is the minimum distance to which a watercraft may approach a marine mammal. Engines should be in neutral, or sails dropped.
20. Watercraft:
 - Minimum approach distances for whales in the region range from 50-250m. Minimum approach distances for dolphins in the region range from 30-100m, including the area directly in front of and behind a pod. During discussion a standardized minimum approach distance of 50m for whales and dolphins was recommended but there may be conditions under which it would be recognized that a greater distance would be appropriate e.g. mother-calf pairs.
 - Minimum approach distance for manatees is 30m. It was recognized that there may be conditions where greater distances may be appropriate, e.g. mother-calf pairs.

21. Aircraft:
If permitted, the group recommended that aircraft may not approach (in height or distance) to within 500m of a marine mammal.

MOTHER AND CALF PAIRS

22. A marine mammal with a calf, lone calves/mothers or groups with calves, are particularly vulnerable to disturbance and require additional protection. In areas where approaches are allowed:
- Exercise extreme caution with groups containing calves.
 - Site-specific restrictions on length of encounter and distance of approach should be considered for groups with calves.

SWIMMING AND DIVING WITH MARINE MAMMALS IN THE WILD

23. Swimming with marine mammals may increase the potential for disturbance and displacement and puts people at risk. The group acknowledges that there are existing swim with marine mammal programmes (commonly known as swim with programmes) but discourages the further development of these programmes. For those countries where swim-with activities are currently being undertaken, it is recommended that the following standards be applied to these operations.

(Countries may also refer to the national examples and standards in Appendix 1):

- Scientific studies should be initiated to assess: a) the associated risk to the safety of the people participating in swim-with activities; and b) the current and potential future impacts of these activities on the target cetacean species. Any accidents should be documented and reported to relevant authorities.
- Particularly sensitive animals (e.g. mothers with calves) and habitats (e.g. calving and feeding grounds) should be provided additional protection (refer to Management Considerations)
- No sub-surface swimming activities should be allowed, including the use of any underwater breathing apparatus and scooters.
- Underwater flash photography or lighted filming should not be allowed.
- An adaptive precautionary approach should be taken when reviewing swim-with operating procedures. Consideration should be given to:
 - Regular review of operational standards as credible scientific information on the impacts of swim-with programmes becomes more available;
 - All persons in the water with marine mammals should be accompanied by an appropriately trained local guide;
 - Limiting the maximum number of vessels permitted to undertake swim-with activities in a region;
 - Limiting the number of swimmers allowed in the water at any one time with a marine mammal or group of marine mammals;
 - Limiting the maximum amount of in-water time allowed with a marine mammal or group of marine mammals per day, including maximum swim time for each interaction, time required between successive swims with

each animal and maximum cumulative interaction time with each animal per day;

- Appropriate drop-off distance for swimmers and minimum swimmer distance from animals;
- Entering the water with marine mammals during behaviourally sensitive situations should be discouraged;
- Swimming with mothers and calves should be discouraged;
- Prohibit leap-frogging and limit the number of swimmer drop offs or attempts.

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**APPENDIX I - SUMMARY OF WHALE WATCHING REGULATIONS,
GUIDELINES AND DECREES IN THE WIDER CARIBBEAN REGION (WCR)**

A SUMMARY OF WHALE WATCHING REGULATIONS, GUIDELINES AND DECREES IN THE WIDER CARIBBEAN REGION (WCR)²

The following is a compilation of guidelines and regulations in the WCR. It is intended to be used as a reference and guide in the development of general best practice codes for the Region.

KEY

D DECREE
G GUIDELINES
R REGULATION

BA	BAHAMAS	Guidelines: Wild Dolphin Project, Bahamas National Trust, Bahamas Department of Fisheries,
BVI	BRITISH VIRGIN ISLANDS	Guidelines:
CO	COLOMBIA	Federal law and decrees for Port of Buenaventura and Gorgona Island
CR	COSTA RICA	Executive Decree 32495
DO	DOMINICA	Guidelines: Drafted by Department of Fisheries, CARIBWHALE, NDC and IFAW
DRr	DOMINICAN REPUBLIC	Regulations: The Ministry of Environment
DRd	DOMINICAN REPUBLIC	Decree 319 The Ministry of Environment
GU	GUADELOUPE	Guidelines: Drafted and signed by French authorities, fishing representatives and Evasion Tropicale
ME	MEXICO	Decree NOM 131 ECOL for humpback whales
PA	PANAMA	Decree ADM/ARAP N°1
PR	PUERTO RICO	Regulation: Department of Natural Resources and Environment
SL	ST LUCIA	Regulation: Drafted by Department of Fisheries and local NGO's
T&C	TURKS AND CAICOS	Guidelines
US	UNITED STATES	Guidelines: Southeast Region, National marine Fisheries Service

² Although some of the guidelines and regulations apply to the Pacific coast, they address key species that are watched in the WCR

A SUMMARY OF WHALE WATCHING REGULATIONS, GUIDELINES AND DECREES IN THE WIDER CARIBBEAN REGION

COUNTRY/TERRITORY	BA	BVI	CO	CR	DO	DRr	DRd	GU	ME	PA	PR	SL	T&C	US
Guidelines or Codes (G), Regulations (R), Decree (D)	G	G	R	D	G	R	D	G	D	G	R	R	G	G

GENERAL CONDITIONS

Permits					X	X	X		X	X	X			
Boat captains association						X								
Training programs						X		X	X	X				
Operator have sufficient experience with marine mammals					X			X	X					
Operator have sufficient experience and knowledge of the local area, sea and weather conditions					X			X	X					
One crew member should be a dedicated lookout										X		X		
Certified/trained local guides								X		X				
Vessel meets appropriate safety standards/safety equipment					X	X								
Guidelines/regulations displayed										X				
Educative material available onboard commercial whale watching boats/education materials developed			X	X	X	X								
Maintain a daily log of sightings including infractions					X									
Do not to disrupt the normal movement or behaviour of any marine mammal		X			X	X	X	X	X	X	X	X	X	x
Allow the marine mammals to determine the nature and duration of the encounter	X				X									
Avoid touching any marine mammal	X	X	X										X	X
Do not deliberately feed or attempt to feed a wild whale or dolphin	X		X	X				X		X	X			X
No objects, rubbish or food shall be thrown near or around any marine mammal	X			X	X		X							
Do not empty holding tanks near marine mammal habitat	X													
Do not take or capture cetaceans	X						X							
Do not approach any fishing activity												X		

COUNTRY/TERRITORY	BA	BVI	CO	CR	DO	DRr	DRd	GU	ME	PA	PR	SL	T&C	US
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APPROACH AND DEPARTURE METHOD

Approach and depart from a direction that is parallel and slightly to the rear of the animal			X	X					X		X	X		
Approach sperm whales slowly from behind or from an angle					X			X						
Follow a parallel route to the animals, without overtaking				X				X	X		X	X	X	
Do not approach from head-on			X	X				X				X		X
Do not scatter or separate members of a group of cetaceans		X	X	X	X			X	X		X	X		X
Do not box cetaceans in, cut off their path or prevent them from leaving					X	X	X	X	X		X			X
Vessel operators should coordinate their movements by radio contact					X			X				X	X	X
If a cetacean approaches your vessel:														
1) place the engines in neutral and let the animal(s) come to you or pass; or		X					X	X					X	X
2) slow down and continue on course, avoiding potential collisions; or														
3) steer a straight course away from them				X										
When watching whales keep gear in neutral and slow engine to idle					X	X						X	X	
Avoid sudden or repeated changes in direction or speed			X		X		X	X	X			X		X
If cetaceans show disturbance activities, withdraw immediately at a 'no wake' speed				X	X			X	X					X
Whales should not be chased/persued								X						X
Move off at a slow 'no wake' speed to the outer limit of the caution zone and gradually increasing speed			X		X			X				X		
Sailboats should start engine and keep it in neutral when near cetaceans								X						
Do not drift down on whales					X									
Do not approach a breaching whale			X		X									
Do not approach resting whales					X							X		

NOISE

Avoid making loud or sudden noises near cetaceans				X			X	X						X
Avoid excess engine use, gear changes, manoeuvring or backing up to cetaceans					X									
Do not use echo sounders near cetaceans										X				

COUNTRY/TERRITORY	BA	BVI	CO	CR	DO	DRr	DRd	GU	ME	PA	PR	SL	T&C	US
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APPROACH DISTANCE- WHALES

50 metres					X	X	X							
50 metres for stationary whales								X						
80 metres									X					
100 metres	X										X	X	X	X
100 metres for moving whales								X						
200 metres when feeding or socializing				X										
200 metres (vessels less than 35')			X											
250 metres										X				
300 metres (vessels larger than 35')			X											
Caution zone within 300 metres of whales	X													
Vessels waiting to watch whales must maintain a distance of 500m						X								
Restricted distance to whales being studied by researchers			X											

APPROACH DISTANCE- DOLPHINS

30 metres with engines off				X										
50 metres	X				X									X
50 metres with engines on				X										
100 metres		X								X				
100 metres when feeding or socializing				X										

SPEED

Avoid sudden or repeated changes in speed when within the caution zone		X	X		X			X		X		X	X	
Avoid speeds over 10 knots within 1500 feet of a whales		X											X	
When within the caution zone of a cetacean, move at a constant, slow ('no wake') speed			X		X				X	X		X		
Slow down to 6k at first sighting of a cetacean								X						
Do not move faster than the slowest moving cetacean		X	X	X					X		X	X	X	

COUNTRY/TERRITORY	BA	BVI	CO	CR	DO	DRr	DRd	GU	ME	PA	PR	SL	T&C	US
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TIME

Do not stay with whales for more than 30 minutes			X	X		X	X			X	X	X		X
Do not stay with dolphins for more than 20 minutes					X									
No boat should approach the same whale for a period of 60 minutes			X											
Do not stay with whales for more than 3 dive sequences					X									

SPECIFIC CONDITIONS FOR GROUPS WITH CALVES

Limit observation time				X						X				
Do not approach a lone calf on the surface					X			X						
Do not approach closer than 80m to whales with calves						X	X							
Do not approach closer than 100m to any pod with calves or mother/calf pairs		X		X										
Do not approach closer than 150m to whales with calves				X										
Do not approach closer than 200m to whales with calves												X		
Do not approach a pod with calves or a mother/calf pair			X						X		X			
Do not come between a mother and calf		X									X		X	X

NUMBER OF BOATS

Limited to one boat within the caution zone/or one boat on each whale or group of whales			X				X				X			X
No more than one large boat (>9 m) and 2 small boats(< 9m) on a whale or group of whales at the same time						X								
No more than 2 boats on a whale or group of whales at the same time										X		X		
No more than 3 boats within the whale watch area					X									
Do not enter the caution zone if already 2 boats present within 200 metres of a whale or group of whales				X	X									
No more than 15 boats at a time within the whale watch area			X											

TYPE OF VESSEL

No jet skis/para-sails				X					X		X			
No windsurfing, canoes or kayaks				X					X					
Rapid response steering and engines with minimal noise/vibration												X		
4-stroke engines with propeller guards										X				

COUNTRY/TERRITORY	BA	BVI	CO	CR	DO	DRr	DRd	GU	ME	PA	PR	SL	T&C	US
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AERIAL OBSERVATIONS

Maintain a distance of over 150 metres			X											
Maintain a distance of over 300 metres							X			X	X			
Maintain a distance of over 500 metres					X									
Maintain a distance of over 1000 metres						X	X							
No helicopters or aircraft			X		X				X					

SWIM-WITH ENCOUNTERS

Do not swim with cetaceans		X		X	X	X		X	X	X	X		X	X
No diving/scuba	X			X	X	X	X		X	X	X			
Snorkeling with whales allowed							X							
No touching or riding dolphins	X													
No chasing/ rapid swimming towards dolphins	X													
Low ration of people to dolphins in water	X													
Do not play music or whale sounds into the water	X													
Anchoring preferred/ secondary movement towards dolphins discouraged	X													
Vessels should stay ½ nautical mile away from vessel with swimmers in water	X													