



NEWS FROM NOAA

NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

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ALASKA TOUR BOAT AGREES TO PAY \$7,000 FOR ALLEGED HARASSMENT OF ENDANGERED HUMPBACK WHALES

On January 2, 2007, the National Oceanic and Atmospheric Administration charged the captain of the tour vessel *AWESOME ORCA* and Orca Enterprises, Inc., the vessel's owner, with a \$9,000 Notice of Violation and Assessment for an alleged violation of the Endangered Species Act.

In a compromise settlement Orca Enterprises, Inc. agreed to pay \$7,000 of the civil penalty with the remaining \$2,000 suspended for a period of three years on the condition of no similar violations during the suspension period.

The Agency's notice charged the captain and vessel owner with harassment in August 2006, as the Juneau-based tour boat *AWESOME ORCA* was conducting a wildlife viewing cruise in Stephens Passage near North Pass in Southeast Alaska. During the tour, NOAA alleged that the captain maneuvered the vessel into the path of three oncoming whales, placing the vessel closer than 100 yards from the endangered humpback whales. Subsequently, one whale collided with the vessel causing one of the passengers to fall and suffer a head injury.

A specific regulation governing interactions with these whales in Alaska became effective on July 2, 2001. The regulation prohibits approaching humpback whales, by any means within 100 yards, including by interception. This regulation was promulgated under The Endangered Species Act which protects threatened and endangered species such as humpback whales. The Endangered Species Act also prohibits the disruption of normal behavior or prior activity of a humpback whale by any other act or omission.

The whale approach regulations protect the endangered whales and also have the ancillary benefit of protecting individuals and property from the potentially harmful consequences of too close interaction with these large marine mammals.

"This case clearly demonstrates that failure to observe the proper whale watching restrictions can result in harm to both whales and humans," said NOAA Special Agent Scott Allee, NOAA Fisheries Service's Office of Law Enforcement – Alaska Division & investigating agent.

The case was prosecuted by NOAA's Office of General Counsel for Enforcement and Litigation.

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The National Oceanic and Atmospheric Administration, an agency of the U.S. Commerce Department, is celebrating 200 years of science and service to the nation. From the establishment of the Survey of the Coast in 1807 by Thomas Jefferson to the formation of the Weather Bureau and the Commission of Fish and Fisheries in the 1870s, much of America's scientific heritage is rooted in NOAA.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and information service delivery for transportation, and by providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners, more than 60 countries and the European Commission to develop a global monitoring network that is as integrated as the planet it observes, predicts and protects.

To report violations of the Endangered Species Act or Marine Mammal Protection Act, contact the NOAA Fisheries Service's Office of Law Enforcement Hot Line at 800-853-1964.

On the Web:

NOAA Fisheries Service: www.nmfs.noaa.gov

NOAA: www.noaa.gov

Note to Reporters:

- *Monetary civil penalties for fisheries violations are assessed when NOAA's Office of General Counsel issues a Notice of Violation and Assessment (NOVA) to the alleged violator; Permit sanctions are assessed when NOAA's Office of General Counsel issues a Notice of Permit Sanction (NOPS) to the alleged violator.*
- *Alleged violators are given thirty days from receipt of a NOVA or a NOPS to request a hearing before an administrative law judge.*
- *NOAA enforcement press releases are distributed for informational purposes only and do not have the force and effect of law.*