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NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

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FOR IMMEDIATE RELEASE
22 April 2005

ALASKA TOUR BOAT CITED \$9,000 FOR HARASSMENT OF ENDANGERED HUMPBACK WHALES

The National Oceanic and Atmospheric Administration has charged the captain of the tour vessel *KEET*, Auk Nu Tours, Inc. (the vessel's managing company) and TMT Corporation of Poulsbo, Wash. (the vessel's owner) with a \$9,000 Notice of Violation and Assessment for violations of the Endangered Species Act.

In August 2002, the Juneau-based tour boat was conducting a wildlife viewing cruise in Icy Strait, near Point Adolphus, AK. The captain of the *KEET* maneuvered the vessel into the path of oncoming whales, placing the vessel closer than 100 yards from the endangered humpback whales on three separate occasions.

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, including by interception, within 100 yards of any humpback whale. 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 100 yard approach restriction for humpback whales was established to protect these animals during a critical feeding period in Alaska waters," noted Kaja Brix, NOAA Fisheries Service's Chief of Protected Resources for the Alaska Region. All of their nutritional needs must be met during this time and it is important that vessels comply with these approach regulations to reduce the potential for negative impacts to the whales."

NOAA Fisheries Service Office for Law Enforcement Special Agents based in Alaska investigated the case and reported their finding to NOAA's Office of General Counsel for Enforcement and Litigation for adjudication.

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

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