



Whale Avoidance Regulations and Guidelines for Cook Inlet

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16 October 2025

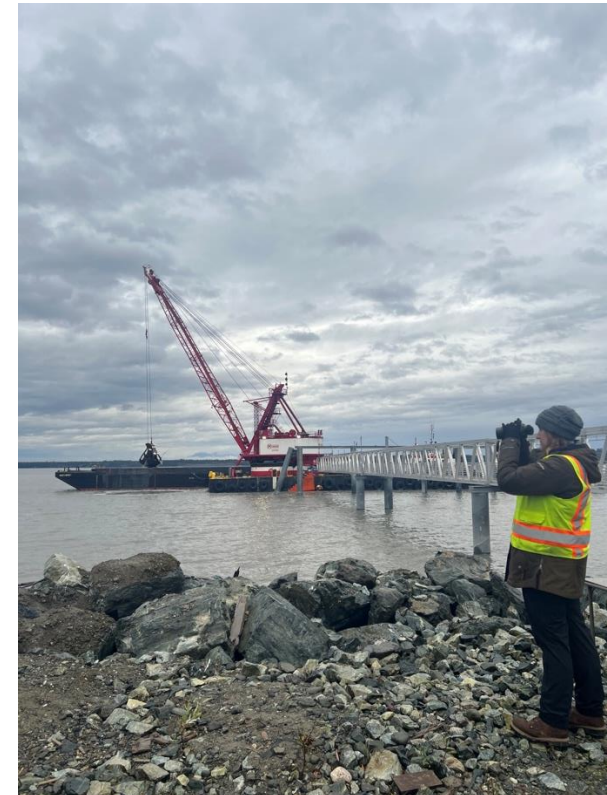


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Alex

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Cook Inlet Harbor Safety Plan

- Is it appropriate to include information about avoiding and minimizing impacts of vessel-based activities on marine mammals in Cook Inlet?
- Does this information exist or do we need to develop new materials?



Regulations Governing the Approach to Humpback Whales in Alaska



- Final Rule in 2001, amended in 2016
- Put in place by National Marine Fisheries Service (NMFS)
- Goal to protect humpback whales within 200 nautical miles of Alaska
 - Minimize disturbance
 - Manage threats from whale-watching activities
 - Humpback whales were all Endangered at the time (about 12% in Cook Inlet list as Threatened or Endangered now)
- Requires “slow, safe speed” when a vessel is near humpback whales



Regulations Governing the Approach to Humpback Whales in Alaska



- “Under these regulations it is unlawful for a person subject to the jurisdiction of the United States to approach, by any means, with some exceptions, within **100 yards** of a humpback whale.”



Regulations Governing the Approach to Humpback Whales in Alaska

- “Exemptions for vessels limited in their ability to maneuver; commercial fishing vessels lawfully engaged in actively setting, retrieving or closely tending commercial fishing gear; and state, local or Federal government vessels operating in the course of official duty.”



Photo credit: USFWS

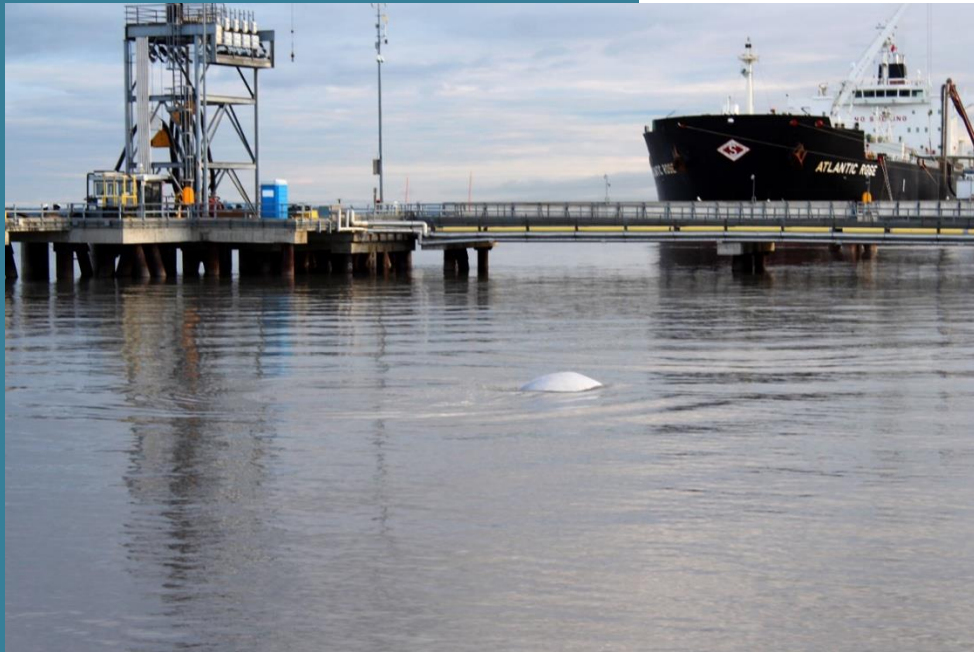


Photo credit: ADF&G

Viewing Marine Mammals in Alaska: Voluntary Code of Conduct

- Remain at least 100 yards from all marine mammals
- Time spent observing should be limited to 30 minutes
- Whales should not be encircled or trapped between boats or boats and shore
- If approached by a whale, put engine in neutral and allow the whale to pass
- Offering food, fish or fish waste is prohibited
- Do not touch or swim with marine mammals
- [Marine Mammal Viewing Guidelines](#)



Susitna Delta Exclusion Zone for Cook Inlet Beluga Whales

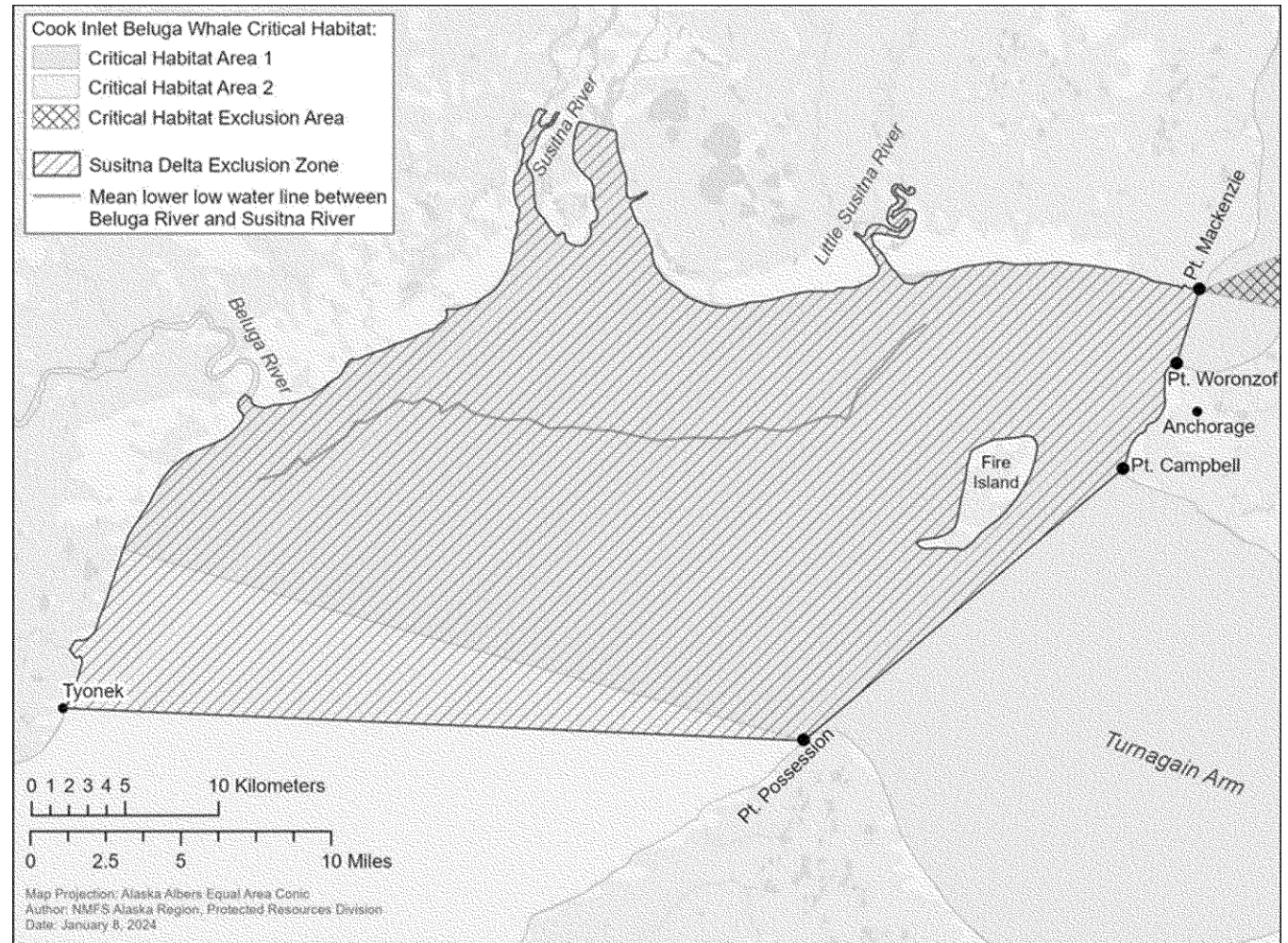


Figure 2 – Susitna Delta Exclusion Zone, showing MLLW line between the Beluga and Little Susitna Rivers

Susitna Delta Exclusion Zone for Cook Inlet Beluga Whales

- Project vessels must maintain above-ground speed of less than 4 kts
- Must monitor for beluga whales and collect data
- Allowed to use crew members; doesn't have to be formal observer
- Must be able to clear 100-meter zone around vessel before moving (no operations in darkness, fog, or other conditions unless necessary for human safety)
- 10-mile buffer along Beluga River and Little Susitna River offshore of the MLLW line
- Includes intertidal waters within rivers and streams up to the MHHW line

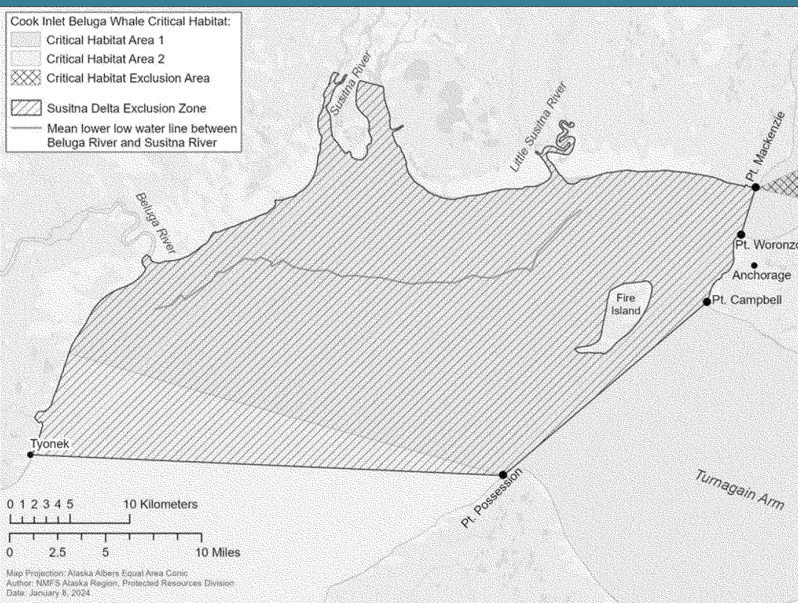


Figure 2 – Susitna Delta Exclusion Zone, showing MLLW line between the Beluga and Little Susitna Rivers

Susitna Delta Exclusion Zone for Cook Inlet Beluga Whales

- Important area for beluga whale feeding and calving
- Typically closed to authorized project activity from mid-April to mid-October



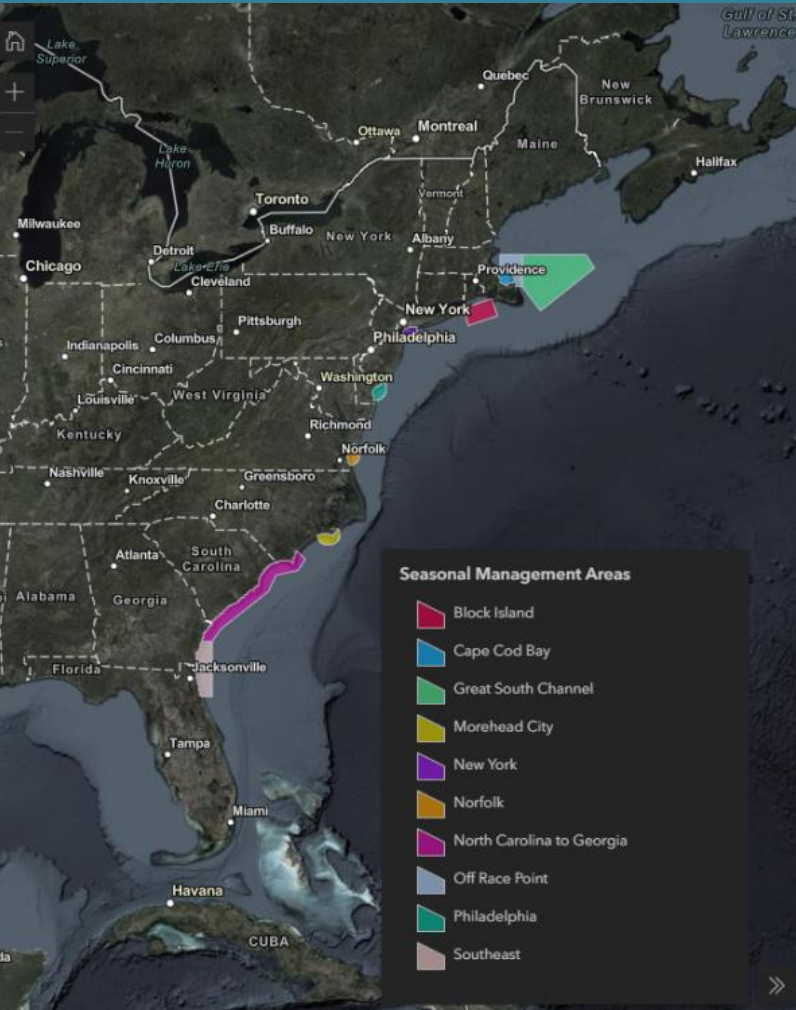


Susitna Delta Exclusion Zone for Cook Inlet Beluga Whales

- No apparent record of a formal designation by NMFS
- First appeared in NMFS regulatory processes in about 2016
- Appears only to be applied to vessels associated with a project that has a federal nexus (e.g., federal permit)
- Recognized in 2019 State of Alaska Sensitive Areas Compendium



Susitna Delta Exclusion Zone for Cook Inlet Beluga Whales



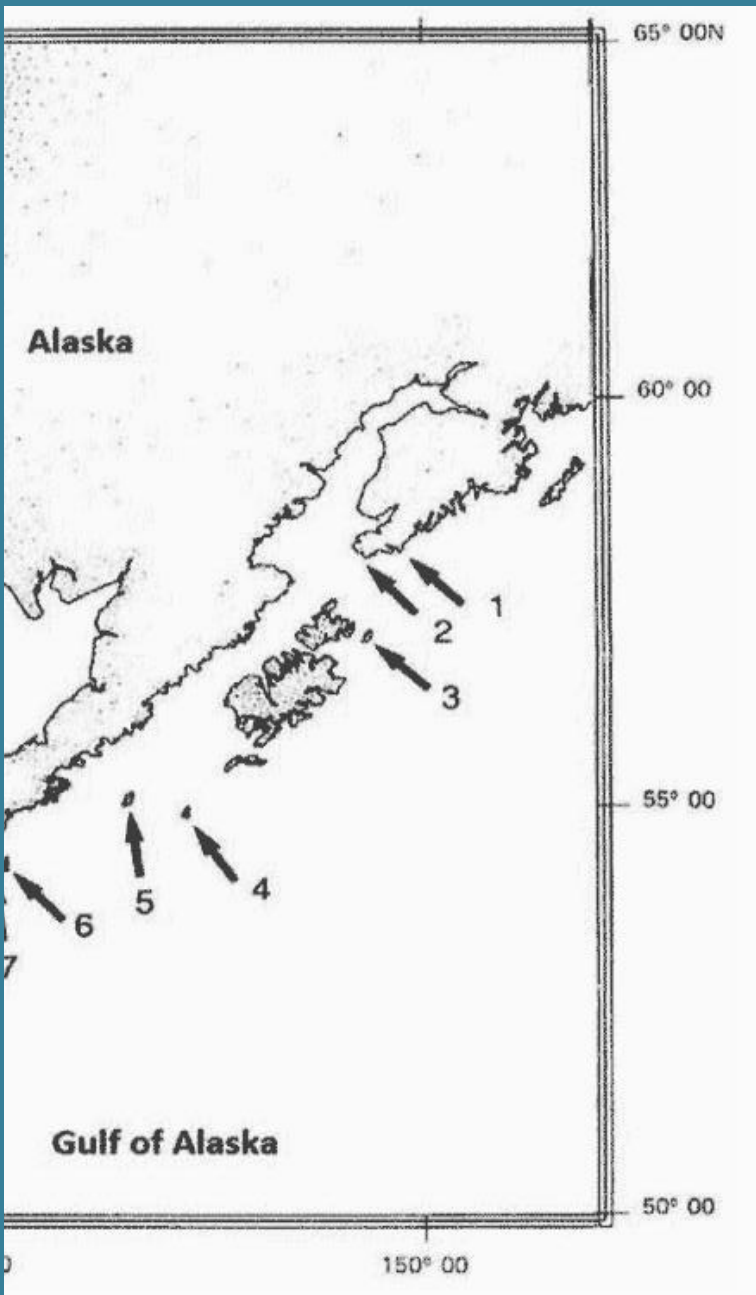
- Vessel speed limits do exist in other places for marine mammals, as regulations and guidelines
 - Typically 10 kts or less for vessels great than 65 feet long near North Atlantic right whales
 - Can be enforced by Automatic Identification Systems (AIS)
- Reduced speed associated with less severe injuries in case of strike and lower sound levels
- Not clear what future holds for the Susitna Delta area—no movement towards regulations for recreational or commercial vessels or enforcement

Steller Sea Lions in Cook Inlet

- Vessels may not approach within 3 nm of a rookery (breeding location)
 - 1. Sugarloaf Island, part of Barren Islands
 - 2. Marmot Island, east of Afognak Island



Photo credit: USFWS



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