

RIGHT WHALE NEWS

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MORE RIGHT WHALES ENTANGLED IN FISHING GEAR

A 12 year old male right whale (catalog number 1505) was observed and photographed by a Center for Coastal Studies shipboard crew in Cape Cod Bay on February 24, 1997, without any line on him. On April 22, the New England Aquarium aerial survey team sighted him east of Stellwagen Bank. However, it was not until the photographs were examined that it was realized that the whale was entangled with a line through his mouth and trailing almost the entire length of his body. While the entangled whale was apparently swimming freely, this kind of entanglement may cause problems later on by impairing feeding or causing infections. Because actual entanglement events are rarely witnessed, it is rare that we are able to narrow the timing of when an entanglement occurred to such a short time. To date, the whale has not been seen again; in the event he is sighted again still carrying gear, a disentanglement effort may be attempted.

A second entangled right whale, a seven year old male (# 1971), was observed on July 1 off Chatham, Massachusetts. The Center for Coastal Studies led the disentanglement effort, which resulted in most of the gear being removed. The whale was seen again on July 16 in the Bay of Fundy, still with the remaining line.

A third right whale was observed also on July 1 swimming 30 miles off Yarmouth, Nova Scotia, entangled in what was believed to be crab pot gear. Reportedly, a fisherman removed the trailing line.

Information supplied by Philip Hamilton and Cathy Quinn of the New England Aquarium and others

FEDERAL COURT APPROVES NMFS AND COAST GUARD RIGHT WHALE PROTECTION EFFORTS

In late May, U.S. District Court Judge Douglas Woodlock ruled in favor of the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard, saying that the two agencies had improved efforts to protect the northern right whale. Among the efforts was the adoption of the 500 yard minimum approach rule for right whales (see Federal Register, Feb. 13, 1997, pp. 6729 - 6738 and Right Whale News 4(2): 1 - 2). While ruling against GreenWorld's Max Strahan, Judge Woodlock none-the-less faulted the agencies for taking action only after they had been sued in 1994 for violating endangered species laws.

Judge Woodlock's ruling freed up the NMFS to respond to intense political pressure and issue its Large Whale Take Reduction Plan and implementing rules in a significantly scaled-back version from what was originally proposed (see next article).

NMFS ISSUES LARGE WHALE TAKE REDUCTION PLAN AND IMPLEMENTING RULES

On July 22, 1997, the NMFS issued its interim final rule to implement the Large Whale Take Reduction

Plan (see Federal Register July 22, 1997, pp. 39157 - 39188). The purpose of the plan is to reduce serious injury and mortality to four large whale stocks including the western North Atlantic stock of the northern right whale. The plan covers the following fisheries: (1) multiple groundfish species, including monkfish and dogfish, in the New England multi-species sink gillnet fishery; (2) multiple species in the U.S. mid-Atlantic coastal gillnet fisheries; and (3) the lobster fishery. The interim final rule includes (1) time and area closures for the lobster fishery, the anchored gillnet fishery and shark drift gillnet fishery; (2) gear requirements including a general prohibition on having line floating at the surface in these fisheries, (3) a prohibition on storing inactive gear at sea, (4) restrictions on setting shark drift gillnets and (5) restrictions on drift gillnets in the mid-Atlantic. The plan also contains recommendations on gear research, public outreach and increasing efforts to disentangle whales caught in fishing gear.

Most of the measures in the plan focus on ways to reduce the risk of serious injury and mortality to right whales both because the right whale's population status is more critical than that of any other large whale and because right whales are the only endangered large whale in U.S. Atlantic waters for which the Potential Biological Removal (PBR) level of 0.4 animals per year is known to be exceeded. The 1996 right whale stock assessment estimates that a minimum of 1.1 right whales from the western North Atlantic stock are seriously injured or killed annually by entanglement in U.S. fishing gear from 1991 through 1996.

In the face of intense political pressure over the high costs and low benefits of the original proposed Take Reduction Plan on lobster fishermen and others, the NMFS made significant modifications. The interim final rule seeks to minimize the significant economic impact on small entities. For instance, the rule has exempted waters where the risk of entangling whales is low, it will not require the use of untested gear and gear can be marked by painting. Perhaps most significant is the statement: the rule will not require any gear modifications at this time. NMFS will allow fishermen to choose from a menu of gear characteristics that have been tested in the field and which are thought to be helpful in reducing entanglements. Most of the items currently on the menus represent current best fishing practices, which many fishermen already use (Federal Register, July 22, p. 39183).

The NMFS has also published an Environmental Assessment and Regulatory Impact Review of the plan and the implementing regulations.

For further information, contact Ms. Kim Thounhurst, NMFS Northeast Region, at 508-281-9138.

NMFS: NO CHANGES IN FISHERIES LIST FOR 1998

In a Federal Register notice (May 27, 1997; pp. 28657 - 28668) the National Marine Fisheries Service has recommended that there be no changes in the List of Fisheries for 1998. The preparation of the List is required by the Marine Mammal Protection Act. A commercial fishery is placed on the List in one of three categories based on the level of serious injury and mortalities that occur to marine mammals as a result of that fishery. Category I fisheries are those where the annual mortality and serious injury of a marine mammal stock is greater than or equal to 50 percent of the Potential Biological Removal (PBR) level. Category II is for fisheries where the annual mortality and serious injury is greater than 1 percent and less than 50 percent of the PBR level. Category III fisheries are those where mortality and injury are 1 % or lower.

Three fisheries are listed as Category I due to their interaction with northern right whales and other species of marine mammals: (1) gillnet fisheries using large pelagic drift gillnets in the Atlantic Ocean, Gulf of Mexico and Caribbean; (2) the Northeast multispecies sink gillnet fishery; and (3) lobster trap/pot fisheries in the Gulf of Maine and the U.S. mid-Atlantic. There are no Category II listings due to right whale interactions. Two fisheries are listed as Category III fisheries due to right whale injuries

and/or mortalities: (1) the lobster and crab mixed species trap/ pot fishery in the Gulf of Maine and U.S. mid-Atlantic and (2) the herring and Atlantic mackerel stop seine and weir fishery in the Gulf of Maine.

Comments on the NMFS proposal are due by August 25, 1997. For further information, contact Robyn Angliss, Office of Protected Species, NMFS, at 301-713-2322.

NMFS ISSUES BIOLOGICAL OPINION ON ATLANTIC PELAGIC FISHERY, EXTENDS EMERGENCY CLOSURE OF SWORDFISH DRIFT GILLNET FISHERY TO PROTECT RIGHT WHALES

The NMFS has extended the Emergency Closure of the drift gillnet fishery for Atlantic swordfish until November 26, 1997 (see Federal Register June 5, 1997; pp. 30775 - 30776). The closure is based on NMFS biological opinion on the Atlantic Pelagic Fishery (issued May 29, 1997) which concluded, among other things, that continued operation of the driftnet component for swordfish, tuna and shark is likely to jeopardize the continued existence of the northern right whale.

For further information, contact Vicky Cornish at NMFS's Office of Protected Resources, tel. 301-713-2322.

LARGE WHALE GEAR ADVISORY GROUP MEETS

The NMFS Northeast Regional Office has created a Large Whale Gear Advisory Group to help the agency find gear that might reduce the risk of entanglements to right whales and other large whales. The group met on June 4 and 5 to start work. The meeting was attended by twenty members of the fishing industry plus representatives of state agencies, the research community and NMFS. The participants were given a charge by NMFS Regional Administrator Andy Rosenberg, a statement of work and updates on various gear studies. Scott Kraus of the New England Aquarium gave a presentation on entanglements of right whales, explaining that two whales were known to have died as a result of entanglements and approximately 60% of cataloged right whales have scars which may have been caused by entanglements. The group then divided into three teams to brainstorm ways to reduce the possibility of entanglement. Options for immediate implementation were developed for the inshore lobster fishery, the offshore lobster fishery and the gillnet fishery. Suggested research and development items were also identified for each fishery. For more information on the Advisory Group, contact Chris Mentzaris at the NMFS Northeast Regional Office, tel. 508-281-9346.

NEW ENGLAND TEAM CHANGES NAME, ADDS MEMBER

The New England Whale Recovery Plan Implementation Team has changed its name to the Northeast Whale Implementation Team. Maine's Governor King has named Terry Stockwell as Maine's official member of the Team. Terry is

INTERNATIONAL WILDLIFE COALITION WORKS WITH FISHERMEN TO REDUCE TRAP AND GILLNET RISKS TO RIGHT WHALES

Under the direction of David Wiley, Senior Scientist, the International Wildlife Coalition (IWC) has been working with representatives of the lobster and gillnet fishery industries to develop and test gear that would reduce the risk of entanglement with right whales and other species of marine mammals.

Using space and equipment provided by the strength and materials laboratories at both the Woods Hole Oceanographic Institute and the Massachusetts Maritime Academy, IWC has tested breakaway buoys and concepts. They are also developing a prototype device that might be suitable as a bottom breakaway link. Tests are also being run on gear modifications for gillnets and how whales might encounter them. Fishermen are investigating a weaker line between the leadline and floatline that would break if the weak link between the bridles broke. A concern is that the gillnets stretch considerably before even moderate loads are applied to them, raising the concern that whales could be entangled before they can apply breaking loads to the nets.

The IWC's research is supported by a grant from the Massachusetts Environmental Trust's FY 97 Endangered Species Fund.

Information provided by David Wiley, International Wildlife Coalition

EDUCATIONAL EFFORTS FOLLOW SHIPPING/RIGHT WHALE WORKSHOP

One of the results of the New England Aquarium's Shipping/Right Whale Workshop (April 17 - 18; see Right Whale News 4 (2): 4 - 5) was the recognition that the shipping industry is poorly informed about the right whale/ship collision issue and that education is an integral part of further protecting right whales. Utilizing funds provided by the Massachusetts Environmental Trust's FY 97 Endangered Species Fund, Amy Knowlton of the New England Aquarium has been working on a number of fronts to begin this educational process. She is helping the International Fund for Animal Welfare (IFAW) develop a brochure to alert mariners to the presence of right whales in the different habitats of the Gulf of Maine. They will use brochures and placards developed in the southeast as guides. Also with the IFAW, she coordinated a recent meeting with representatives of MASSPORT and several Boston-based shipping companies to develop informational notes and documents in support of the critical habitat designations on nautical charts and the Coastal Pilot. The latter highlights navigational hazards and is found on the bridge of every vessel.

The Marine Mammal Commission has also developed a right whale information document for submittal to the International Maritime Organization (IMO). Among actions that the IMO may take as a result is to elevate international awareness of the right whale/ship collision problem.

Information provided by Amy Knowlton, New England Aquarium

NEW ENGLAND AQUARIUM PUBLISHES RIGHT WHALE RESEARCH NEWS

Right Whale Research News is a publication of the New England Aquarium's North Atlantic Right Whale Research Project. It provides readers with updates on the Aquarium's research projects and other activities. For example, the Spring, 1997, issue contains articles on Aerial Surveys in the Calving Grounds, Winter, 1997, by Lisa Conger, What we can learn from our cousins: tales from the Southern Ocean by Philip Hamilton, Shipping/Right Whale Workshop by Amy Knowlton, Cape Cod Bay - an overview by Philip Hamilton, Cape Cod Bay - a birds eye view by Cathy Quinn, CCS Reports from Cape Cod Bay - a water view by Marilyn Marx, National Marine Fisheries Service Proposed Regulations by Philip Hamilton and Sponsored whales updates by Philip Hamilton.

The primary audience for Right Whale Research News are people who have paid \$35 to sponsor one of six right whales (Dash and Anchor, both calving females, Lucky, a young female, and Starry Night, King Richard and Necklace, three adult males). If you don't want to sponsor a whale but do want

to be kept informed about the North Atlantic Right Whale Research Project, you can receive just the newsletter for \$15 per year. To sponsor a whale or subscribe, contact the Project at the New England Aquarium, Central Wharf, Boston, MA 02110-3399; telephone 617-973-6582.

PROGRESS REPORT: BIRTHING INTERVALS FOR RIGHT WHALES

Dr. Solange Brault and Paul McGuinness of the University of Massachusetts, Boston, have initiated research to analyze birthing intervals for the northern right whale. The first step in their analysis is to review the database for possible quantitative inaccuracies. All individual sightings of female whales without a calf have been re-examined according to the criterion: if a mature female was sighted without a calf for more than three years after a confirmed calf sighting, the survey records would be inspected to count the number of times the female was sighted. Rare sightings raise the possibility that she may have been with an unseen calf. Multiple sightings in the same year would reduce that possibility. Given this criterion, all reproductive females on record had to be re-checked. This analysis will ensure a higher level of certainty in reproductive parameters, that will allow for a more complete analysis of the population as a whole. The birthing intervals research is supported by a grant from the Massachusetts Environmental Trust's FY 97 Endangered Species Fund.

Information provided by Dr. Solange Brault, UMass Boston

MASSACHUSETTS ENVIRONMENTAL TRUST WILL OFFER RIGHT WHALE GRANTS FOR 1998

The Massachusetts Environmental Trust (MET) will make \$150,000 available for right whale initiatives in FY 1998. The money will come from the MET's Endangered Species Fund. Awards will be made to build on the past season's findings and to support other clearly identified needs.

Grant application guidelines are being prepared now and will be available from MET on October 17. Applications for grants will be due by November 14. Awards will be made by the end of December, 1997. To request a copy of the guidelines, contact MET at 33 Union Street, 4th floor, Boston, MA 02108; telephone 617-727-0249; fax 617-367-1616.

SCIENTIFIC LITERATURE AND REPORTS

Burnell, S. R. and M. M. Bryden. 1997. Coastal residence periods and reproductive timing in southern right whales, *Eubalaena australis*. *Journal of Zoology* (London) 241 (4): 613 - 621.

Clapham, P. J., S. Leatherwood, I. Szczepaniak and R. L. Brownell, Jr. 1997. Catches of humpback and other whales from shore stations at Moss Landing and Trinidad, California, 1919 - 1926. *Marine Mammal Science* 13 (3): 368 - 394. Only one northern right whale was taken, a 40 foot female in the vicinity of the Farallon Islands on April 9, 1924. Its stomach was empty.

Kompanje, E. J. O. 1996. Recent bones of right whales *Eubalaena glacialis* from the southern North Sea. *Lutra* 39 (2): 66 - 75.

Laist, D. W. 1997. Impacts of Marine Debris: Entanglement of marine life in marine debris including a comprehensive list of species with entanglement and ingestion records. *Proceedings of the 1994 International Workshop on Marine Debris*.

National Marine Fisheries Service. 1997. Environmental assessment and regulatory impact review of the Atlantic Large Whale Take Reduction Plan and implementing regulations. Available from the NMFS Northeast Regional Office. 92 pp.

Waring, G., et al. 1997. United States Atlantic and Gulf of Mexico Marine Mammal Stock Assessments. Hard copies of both the 1996 stock assessment for the right whale and the entire document are available from Gordon Waring at the National Marine Fisheries Service Northeast Fisheries Science Center (tel. 508-495-2000).

CALENDAR OF EVENTS

August 25, 1997: Comment deadline for the National Marine Fisheries Service's proposed List of Fisheries for 1998 (see article, page xxx).

September 3 - 5, 1997: Bycatch technical workshop sponsored by the Atlantic States Marine Fisheries Commission. Location to be determined. For information, contact Ms. Robin Peuser at 202-289-6400.

September 19, 1997: Next meeting of the Northeast Whale Implementation Team. To be held at MASSPORT's Black Falcon Terminal in Boston. For further information, contact Dr. Sal Testaverde at 508-281-9368.

October 15, 1997: Comments due on NMFS Interim Final Rule implementing the Large Whale Take Reduction Plan (see article, page xxx).

October 17, 1997: Grant application guidelines available from the Massachusetts Environmental Trust (see article, page xxx).

October 23 - 24, 1997: Next meeting of the Southeast U.S. Implementation Team for the Recovery of the Northern Right Whale. Tentative location: the Naval Submarine Base at Kings Bay, Georgia. For more information, contact Barb Zoodsma at 912-264-7218.

November 14, 1997: Grant applications due to Massachusetts Environmental Trust (see article, page xxx).

January 20 - 24, 1998: World Marine Mammal Science Conference, Monaco. For further information, contact Anne Collet, Conference Chair, Centre de Recherche sur les Mammifères Marins, Institut de la Mer et du Littoral, Port des Minimes, 17000 La Rochelle, France; tel +33 (0) 546-44 99 10; e-mail: crmm@univ-lr.fr

RIGHT WHALE NEWS

Right Whale News is the newsletter of the Southeastern United States Implementation Team for the Recovery of the Northern Right Whale. The editor is Hans Neuhauser. The editorial board consists of Bill Brooks, Moe Brown, Scott Kraus, Mike Payne and Jerry Wallmeyer. We welcome Dr. Moira Brown to the editorial board of Right Whale News. Moe has recently joined the Center for Coastal Studies as Senior Scientist, focusing on genetics, surveillance and monitoring work on right whales as well as conservation work resulting from the research. She will also continue her work with East Coast Ecosystems in Nova Scotia and will help us cover news from Canada.

To subscribe or submit news or articles for publication, contact the editor, Hans Neuhauser, at the Georgia Environmental Policy Institute, 380 Meigs Street, Athens, GA 30601; telephone 706-546-7507; fax 706-613-7775. If you wish to receive Right Whale News over the Internet, please contact Hans Neuhauser at: gepi@ix.netcom.com

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