

RIGHT WHALE NEWS

The Newsletter of the Southeastern United States Implementation Team for the Recovery of the Northern Right Whale and the Northeast Whale Implementation Team

VOLUME 5 NUMBER 3 AUGUST, 1998

JOHN H. PRESCOTT

DIRECTOR EMERITUS, NEW ENGLAND AQUARIUM

John H. Prescott, Director Emeritus of the New England Aquarium, passed away on June 30, 1998, after a long illness at his home in Weston, Massachusetts. He was 63.

As Executive Director of the New England Aquarium from 1972 to 1994, John Prescott was the guiding force that transformed the institution from a Boston waterfront attraction to a world class institution in education, research and conservation, establishing the paradigm for aquariums around the world. He was also known internationally for his contributions to zoological display and husbandry, research, conservation and public education. Examples include chairing the committee of scientific advisors to the U. S. Marine Mammal Commission, chairing the National Humpback Whale Recovery Team, and serving as both an advisor to the International Whaling Commission and governor of the Society of Marine Mammalogy.

John was also an active contributor and supporter of research and conservation initiatives on the right whale. He was instrumental in establishing the North Atlantic Right Whale Program at the New England Aquarium, now in its eighteenth year. John served as the host of the International Whaling Commission's workshop on the status of right whales held at the New England Aquarium on June 15-23, 1983. That workshop resulted in the publication of the book, *Right Whales: Past and Present Status* (Reports of the IWC, Special Issue No. 10. 1986). John was one of the book's three editors, along with Drs. Bob Brownell and Peter Best.

In 1986, John and the late Dr. Howard Winn of the University of Rhode Island jointly founded the North Atlantic Right Whale Consortium. The consortium brought together a number of researchers and research institutions to collaborate on funding and research for right whales. For years, John helped lead the consortium's successful efforts to have Congress appropriate line-item funds for right whale research. The consortium also served to coordinate the right whale research conducted by the New England Aquarium, the University of Rhode Island, the Woods Hole Oceanographic Institute, the Center for Coastal Studies, Marineland of Florida and later, East Coast Ecosystems. One of the products of this

collaboration is the right whale photo identification catalog, which is maintained and shared by the New England Aquarium. The consortium continues informally to this day.

Contributions in John's memory may be made to the John H. Prescott Fund in care of the New England Aquarium, Central Wharf, Boston, MA 02110.

IMO SUBCOMMITTEE APPROVES U.S. PROPOSAL

FOR MANDATORY SHIP REPORTING

Twenty-five of thirty voting countries on the International Maritime Organization's Subcommittee on Safety of Navigation (NAV) voted to approve the United States proposal for mandatory ship reporting in U.S. right whale critical habitat. Only Greece, Japan, Norway, Russia and the Ukraine opposed the measure. The proposal requires commercial vessels 300 gross tons and greater entering right whale critical habitat off Massachusetts, Georgia and Florida to report their location, destination and other information to a shore-based station operated by the U.S. Coast Guard. In return, the mariner will receive information on right whales and be referred to NAVTEX and other sources of recent information.

The proposal, spearheaded by Representative William Delahunt (D-MA) and supported by the Clinton Administration (see Right Whale News 5(2): 1), was presented to the NAV subcommittee in London during the week of July 20 ñ 24. The proposal will now be forwarded to the Maritime Safety Committee for adoption, potentially in December. In the meantime, the National Marine Fisheries Service and the Coast Guard are proceeding to design the system on the assumption that it will be implemented.

Congressman Delahunt had special praise for the officials of the Coast Guard and the National Oceanic and Atmospheric Administration, who were instrumental in alleviating last minute concerns about maritime sovereignty expressed by some IMO Subcommittee nations.

HOUSE BUDGET WRITERS REDUCE RIGHT WHALE SPENDING

The U.S. House of Representatives is expected to vote on the Fiscal Year 1999 budgets for the Departments of Commerce, Justice and State before the August recess. The Appropriations Committee recommended a \$2.1 billion budget for NOAA, \$11 million under what the Clinton Administration

requested and \$6 million below FY 98 funding levels. Congressman Bill Delahunt (D-MA), whose district includes Cape Cod, has expressed disappointment with initial Congressional decisions that will reduce spending on right whale research by 40%. The reduction, if maintained by the full House and agreed to by the Senate, would provide only \$250,000 to the National Marine Fisheries Service for right whale research in FY 1999. The Senate passed their own version of the budget bill on July 23; it contains \$2.2 billion for NOAA. A conference committee will have to iron out the differences after the August recess.

NATIONAL WHALE CONSERVATION FUND ACT PASSES SENATE

On June 16, Senators Judd Gregg (R-NH) and Ted Stevens (R-AK) introduced a bill (S. 2172) to 'authorize the National Fish and Wildlife Foundation to establish a whale conservation fund, and for other purposes.'

Section 1 of the measure gives the short title, the "National Whale Conservation Fund Act of 1998." Section 2 provides the findings, which includes the statement: "whale populations are in various stages of recovery, and some whale populations, such as the northern right whale [*Eubalaena glacialis*] remain perilously close to extinction. The findings also note that the funding available for the National Marine Fisheries Service, the Marine Mammal Commission and other Federal agencies "is insufficient to support all necessary whale conservation and recovery activities" and that "there is a need to facilitate the use of funds from non-Federal sources to carry out the conservation of whales."

Section 3 amends the National Fish and Wildlife Establishing Act to allow the National Fish and Wildlife Foundation to establish a national whale conservation endowment fund. Monies in the fund would be used to support research, management activities, or educational programs that contribute to the protection, conservation, or recovery of whale populations in U.S. waters. Priority is given to funding projects that conserve the most endangered whales (specifically naming the northern right whale).

Funding for the endowment fund comes from voluntary sources. While some tax and fee options were presented to the Senators for possible inclusion in the legislation, they were rejected in favor of voluntary measures alone. Supporters of the measure are hoping that whale watch operators will voluntarily contribute \$1 per ticket sold to the fund. In exchange, the operator would be allowed to use logos and other items copyrighted by the Foundation in their publicity and marketing. The Secretary of Commerce may also contribute to the fund, using civil penalties assessed under the Marine Mammal Protection Act or settlements related to damage of natural resources.

Senator Gregg had the bill attached as an amendment to the appropriations bill for the Departments of Commerce, Justice and State. The Senate passed the measure on July 23 by a vote of 99 to 0. The equivalent appropriations measure in the House, which is expected to be voted on before their August recess, does not contain a similar amendment so the fate of the National Whale Conservation Fund will be up to a Senate/House conference committee ñ which will be named in September.

SUPREME COURT MAY HEAR MASSACHUSETTS APPEAL

In September, 1996, in the case *Strahan v. Coxe et al.*, U.S. District Court Judge Douglas Woodlock ordered the Commonwealth of Massachusetts to develop a plan to protect right whales from being entangled in fixed fishing gear (see *Right Whale News* 4(1): 7-8). A year later, the 1st Circuit Court of Appeals upheld Judge Woodlock's ruling, rejecting the Commonwealth's claim that the decision violates the 10th Amendment because it orders Massachusetts to ban fishing operations that the Federal government has not banned. Earlier this year, the U.S. Supreme Court asked the Solicitor General to file a brief either in favor of or opposed to the Court's hearing the case. This is an unusual move, in that the Federal government is not a party in the litigation. The Solicitor's brief is expected to be filed by late August or early September. Seventeen states, led by California, have signed an amicus brief to the effect that the case is worthy of review.

COAST PILOTS, CHARTS AND NOTICES TO MARINERS UPDATED

Greg Silber of the National Marine Fisheries Service reports that the right whale information in Coast Pilots 1 and 2 has been updated and that the revisions to Coast Pilot 1 was published in May; revisions to Coast Pilot 2 will be published this August. Revisions to Coast Pilot 3 will be published in October, 1999, and revisions to Coast Pilot 4 in June, 1999. Nearly all relevant navigation charts have been revised and updated with information on the 500-yard approach rule and right whale critical habitat. For charts not yet scheduled for reprinting, the Coast Guard has issued Local Notices to Mariners noting the changes. The annual Notice to Mariners was published by the National Imagery and Mapping Agency in January, 1998.

PROGRESS REPORTED ON DRAFT CANADIAN RECOVERY PLAN

The development of a right whale recovery plan for Canadian waters is progressing satisfactorily, according to Dr. Moira Brown of East Coast Ecosystems and the Center for Coastal Studies. Three meetings of stakeholders have been held and a fourth meeting is scheduled for August. Drafts of the introductory chapters on natural history and biology have been prepared. Now the focus is on the development of conservation recommendations and management initiatives that will reduce right whale mortalities, especially from ship strikes and fishing gear entanglements. A draft of the plan should be ready for circulation and review by the end of 1998 or early in 1999. Dr. Randy Reeves is serving as the editor. The initiative is co-sponsored by the Canadian Department of Fisheries and Oceans and the World Wildlife Foundation ñ Canada. The fact that stakeholders, including representatives of the fishing and shipping industries, have been participants in the development of the plan from the beginning is a positive sign of the plan's eventual adoption and success.

JOINT U.S. ñ CANADA ñ INDUSTRY PARTNERSHIP FORMED

TO ADDRESS HIGH SPEED VESSEL RISKS TO WHALES

A partnership alliance has been formed between the National Marine Fisheries Service, Canada's Department of Fisheries and Oceans and Bay Ferries, Limited to address the risks to whales posed by high speed ferry traffic between Bar Harbor, Maine, and Yarmouth, Nova Scotia (see Right Whale News 5(2): 8-9 for background). Bay Ferries, Ltd. has hired a contractor, LGL, Limited, of King City, Ontario, to monitor and conduct research on the risks and potential mitigation measures.

LGL, Limited has subcontracted work on acoustics to Greenridge Sciences, Inc. Among the questions to be addressed are: (1) What are the acoustic signatures of high speed vessels? (2) Can whales in front of vessels detect the signatures? (3) Will the whales react? And (4) Will the whales get out of the way in time to avoid being struck?

LGL, Limited is also expected to subcontract with Dr. Jim Hain of the Northeast Fisheries Science Center to conduct an analysis of the occurrence of endangered right whales, humpback whales and fin whales on or near the ferry's route using GIS plots. Times and areas of greatest potential interactions will be identified. The analysis of risk includes the following questions: (1) What is the known whale distribution on and adjacent to the ferry route? (2) What is the potential risk under the ferry's present operation (schedule, route)? (3) Are there routing alternatives that will reduce the risk of whale-ferry interaction?

LGL, Limited has also placed a marine biologist observer on board the ferry.

The Marine Mammal Commission recently commended both Bay Ferries, Limited and LGL, Limited for recognizing the concern about right whales and for undertaking constructive efforts to evaluate the potential effects of ferry operation on marine mammals. The Commission also provided both the contractor and the National Marine Fisheries Service with a number of suggestions for improving the research and monitoring plans.

CANADIAN WHALE DISENTANGLEMENT HOTLINE ESTABLISHED

East Coast Ecosystems (ECE), an independent organization that seeks to improve scientific and public knowledge of marine mammals in the waters of Atlantic Canada, is establishing an entanglement reporting network to facilitate responses to right whales entangled in fishing gear. The initiative has two phases: increasing reporting and improving disentanglement efforts. ECE will provide information on whale entanglements (e.g., how to identify the whale, what to do and what not to do) and encourage fishermen, whale watchers and others to report entangled whales. The network includes a reporting number (toll-free in Canada only: 1-888-854-4440). ECE will identify cooperators and equipment that might be available to be used in the Bay of Fundy area. The Canadian Coast Guard has already agreed to provide helicopters and other equipment to help assess entanglement situations. ECE will also hold training sessions to improve local disentanglement capacity. When necessary, local efforts will be supplemented by the disentanglement team at the Center for Coastal Studies in Provincetown, Massachusetts. ECE plans to coordinate their efforts with similar efforts under way in both the northeast and southeast United States. Deb Tobin serves as the logistics coordinator for the ECE initiative. She can be reached at 902-839-2962.

RIGHT WHALE DISENTANGLED IN CAPE COD BAY

On August 26, 1997, observers with the New England Aquarium saw a five-year old male right whale (#2212) in the Bay of Fundy, trailing orange line, black line and a half-inch chain around its flukes. On July 24, 1998, the U.S. Coast Guard received a report of a right whale sighting off Sesuit harbor in Cape Cod Bay from a local harbormaster. The Coast Guard dispatched a helicopter to investigate. Coast Guard and Massachusetts Environmental Police observers in the helicopter sighted two right whales and reported that one of them was entangled in some kind of line. On receipt of the report, the Center for Coastal Studies dispatched its disentanglement team, led by Dave Mattila, Stormy Mayo and Ed Lyman. They successfully removed about six wraps of polypropylene line from around the tail of the whale. The lines had cut into the leading edge of each fluke and scar tissue was evident. The team recovered the line, which will be examined by National Marine Fisheries Service experts in an attempt to identify the type of gear involved. The disentangled whale was later confirmed to be the same animal that had been sighted entangled in the Bay of Fundy in 1997.

HISTORIC BALEEN SAMPLES NEEDED

Dr. Howard Rosenbaum and Dr. Rob DeSalle of the Molecular Systematics Laboratory at the American Museum of Natural History have developed a technique for extracting DNA from the baleen and bone of historic specimens of northern right whales. This technique is being used to assess the role that inbreeding plays in the lack of recovery of the species. Comparisons are made between the historic genetic variability of right whales spanning three centuries with the genetic variability observed in the extant Western North Atlantic population. To date, Drs. Rosenbaum and DeSalle have completed their analyses of five specimens. They are now seeking additional historic samples of right whale baleen to test. Bone will also work but baleen is preferred.

Please contact Dr. Rosenbaum if you have any knowledge of possible historic baleen and/or bone samples from northern right whales that could be included in the analysis. He can be reached at the MSL, AMNH, 79th Street and Central Park West, New York, NY 10024-5192. Tel. 212-796-5608; fax 212-769-5277; e-mail: hcr@amnh.org

This research is supported by a grant from the Massachusetts Environmental Trust's FY 1998 Right Whale Initiative.

INTERESTING MASSACHUSETTS SIGHTINGS

Phil Hamilton reports that this year, the New England Aquarium has received 417 photographs of right whales in and around Massachusetts waters; most of the photos were obtained from surveys conducted by the Center for Coastal Studies and the Massachusetts Division of Marine Fisheries. Preliminary matches have been made for 80% of the photographs.

Some interesting results have emerged from the preliminary analyses. First, no calves were seen this year in Cape Cod Bay, although several were seen elsewhere. One whale (#2027), which had been photographed in September, 1997, in the Bay of Fundy entangled in fishing gear, was photographed this season without any entanglement. Two other whales that had been presumed to be dead due to a lack of

sightings were sighted. One of these (#1173) was sighted offshore near the Northeast Peak of Georgeís Bank while the other (#1270) was sighted repeatedly in Cape Cod Bay.

These analyses are supported by a grant from the Massachusetts Environmental Trust.

CENTER FOR COASTAL STUDIES EVALUATES

CRITICAL HABITAT INDICATORS

Dr. Charles Stormyî Mayo and his colleagues at the Center for Coastal Studies have been investigating the potential of using satellite images, principally sea surface temperature imagery, to determine the relationships between right whale distribution and water body characteristics in the coastal waters of Cape Cod Bay and Massachusetts Bay. Their field season, encompassing 19 cruises to sample zooplankton and collect oceanographic data, was completed on April 15. Information on the distribution of whales was obtained from cruises and from aircraft surveys supported by the Massachusetts Division of Marine Fisheries.

Preliminary results suggest that the use of sea surface temperature data from satellite imagery may be useful in some circumstances as indicators of right whale habitat. It appears, though, that the small scale movements of right whale groups are better predicted by physical characteristics (such as localized upwelling and downwelling, light penetration and turbulence) and biological characteristics (zooplankton layers, patches and density) than by the rather coarse scale thermal images. The most appropriate application of satellite imagery may be in offshore areas such as the greater Gulf of Maine.

The indicator research is also funded by the Massachusetts Environmental Trust.

MARINE MAMMAL COMMISSION PRAISES U.S. NAVY'S

CAPTAIN PARLET & SENIOR CHIEF HAHN

In a recent letter to John H. Dalton, the Secretary of the Navy, John Twiss wrote: "One of the Marine Mammal Commission's great pleasures is writing to recognize outstanding individual contributions in support of marine mammal conservation. This is especially gratifying when the achievements involve a species as endangered as the northern right whale." The MMC Executive Director then proceeded to praise Captain Robert D. Parlett and Senior Chief Stephen Hahn of the Navy's Fleet Area Control and Surveillance Facility in Jacksonville, Florida, for their application of vessel management to the conservation problem of collisions between right whales and ships. Mr. Twiss continued, "In a very real sense, the system they developed to track, eliminate conflicting reports, and transfer whale sighting data to key dissemination points (e.g., Coast Guard NAVTEX and port pilots) has become the fulcrum upon which regional right whale protection now rests."

Captain Parlett retires from the Navy this summer and Senior Chief Hahn moves to another assignment before the next calving season. "They will be sorely missed."

PORT OF BOSTON HANDBOOK FEATURES RIGHT WHALES

The Boston Shipping Association has just published the Port of Boston Handbook, 1998-1999, a reference guide to shipping through the port of Boston. The handbook includes Coast Guard and Customs rules and regulations, maps, terminal information, port organization, services and resources. This year, the handbook includes two pages on the northern right whale including photographs. The information, which alerts shippers to the ship strike problem, was provided by the New England Aquarium. To obtain a copy of the handbook, contact Ms. Jodie Bartlett at 617-242-3303. In the United States, the cost is \$2, which covers postage and handling. For other countries, ask Ms. Bartlett for the rate.

SCIENTIFIC LITERATURE AND REPORTS

Berube, M., A. Aguilar, D. Dendanto, F. Larsen, G. N. Disciara, R. Sears, J. Sigurjonsson, J. Urbanr and P. J. Palsboll. 1998. Population genetic structure of North Atlantic, Mediterranean Sea and Sea of Cortez fin whales, *Balaenoptera physalus* (Linnaeus 1758): Analysis of mitochondrial and nuclear loci. *Molecular Ecology* 7 (5): 585-599. Includes references to right whales.

Forney, K. A., and J. Barlow. 1998. Seasonal patterns in the abundance and distribution of California cetaceans, 1991-1992. *Marine Mammal Science* 14 (3): 460 ñ 489. One northern right whale was seen in

the winter.

Jones, C., R. S. Hoffman, D. W. Rice, M. D. Engstrom, R. D. Bradley, D. J. Schmidly, C. A. Jones and R. J. Baker. 1997. Revised checklist of North American mammals north of Mexico, 1997. Occasional Papers, Museum of Texas Tech University, number 173, pp. 19. The northern right whale is listed under the genus *Balaena*; the common name is given as black right whale.

Kemper, C. M., J. Mole, R. M. Warneke, J. K. Ling, D. J. Needham and J. E. Wapstra. 1997. Southern right whales in southeastern Australia: aerial surveys during 1991-93 and incidental information from 1994. Pages 40-55 in: Hindell, M. and C. Kemper, eds., *Marine Mammal Research in the Southern Hemisphere*, vol. 1. Status, ecology and medicine. Surrey Beatty & Sons, Chipping Norton, New South Wales, Australia. ISBN 0-949324-76-0

Slay, C. K. and S. D. Kraus. 1998. Right whale tagging in the North Atlantic. *Marine Technology Society Journal* 32(1): 102-103.

Society for Marine Mammalogy. 1998. *World Marine Mammal Science Conference Abstracts Book*. Abstracts from the Monaco conference of January 20 ñ 24, 1998. Includes a number of abstracts on right whales. Available from the SMM for \$10.00; for ordering details, visit their web site at <http://pegasus.cc.ucf.edu/symbol> 126 \f "Symbol" \s 12~smm

CALENDAR OF EVENTS

September 16, 1998: Tentative date for the Northeast Whale Implementation Team ship strike committee meeting starting at 9:30 AM. Location: Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA. To confirm date and for more information, contact Dr. Sal Testaverde at 978-281-9368;

e-mail: [hyperlink mailto:salvatore.testaverde@noaa.com](mailto:salvatore.testaverde@noaa.com) salvatore.testaverde@noaa.gov

October 19 & 20, 1998: North Atlantic Right Whale Consortium meeting. For more information, contact Scott Kraus at the New England Aquarium, 617-973-5457.

October 21, 1998: Joint meeting of the National Marine Fisheries Service and Canada's Department of Fisheries and Oceans. For further information, contact Dr. Sal Testaverde at 978-281-9368; e-mail: salvatore.testaverde@noaa.com

October 22-23, 1998: Next meeting of the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale. Location: University of Georgia Marine Extension building, Brunswick, GA. For further information, contact Barb Zoodsma at 912-264-7218; e-mail: Barbz@mail.dnr.state.ga.us

November 5, 1998: Northeast Whale Implementation Team meeting, starting at 9:30 AM. Location: Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA. For more information including directions, contact Dr. Sal Testaverde at 978-281-9368; e-mail: salvatore.testaverde@noaa.com

November 6, 1998: Deadline for submittal of news and articles for the next issue of Right Whale News. See below for further information.

May 6 ñ 7, 1999: Tentative dates for the spring meeting of the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale. Location to be determined. To confirm date and location and for further information, contact Barb Zoodsma at 912-264-7218; e-mail: Barbz@mail.dnr.state.ga.us

November 28 ñ December 3, 1999: 13th Biennial Conference on the Biology of Marine Mammals. Maui, Hawaii. For more information, contact the Society of Marine Mammalogy at their web site: [http://pegasus.cc.ucf.edu/symbol 126 \f "Symbol" \s 12~smm](http://pegasus.cc.ucf.edu/symbol%20126/f/Symbol/s%2012~smm)

RIGHT WHALE NEWS

Right Whale News is now the newsletter of both the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale and the Northeast Whale Implementation Team. The editor is Hans Neuhauser. The editorial board consists of Bill Brooks, Moe Brown, Scott Kraus, Mike Payne and Jerry Wallmeyer.

The goal of the newsletter is to increase the efficiency and effectiveness of recovery efforts for the

world's most endangered large whale, the northern right whale, *Eubalaena glacialis*. The newsletter focuses on recovery efforts throughout the range of the northern right whale and particularly in those areas deemed critical for the survival of the species in both the United States and Canada. Topics generally covered include management, education and research. Action items are highlighted. Recognizing that we can all learn from each other, reports on southern right whale research, education and management are also included as space allows.

The Gray's Reef National Marine Sanctuary, the Massachusetts Environmental Trust, the Southeast Regional Office of the National Marine Fisheries Service and the Northeast Whale Implementation Team have underwritten the costs of Right Whale News. Thanks to their support, Right Whale News is published quarterly and is distributed free of charge. Current and back issues of Right Whale News are available on the Internet, thanks to Alex Score and the Gray's Reef National Marine Sanctuary. The direct access link is: [hyperlink http://www.skiio.peachnet.edu/noaa/rtwh/archive.html](http://www.skiio.peachnet.edu/noaa/rtwh/archive.html)
<http://www.skiio.peachnet.edu/noaa/rtwh/archive.html> You can also visit the Sanctuary's web site at: [hyperlink http://www.skiio.peachnet.edu/noaa/grnms.html](http://www.skiio.peachnet.edu/noaa/grnms.html)
<http://www.skiio.peachnet.edu/noaa/grnms.html>

To subscribe to Right Whale News or to 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. E-mail: gepi@ix.netcom.com