

RIGHT WHALE NEWS

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

Volume 9 Number 2 May 2002

Sharing the Ocean: Transport Canada Proposes to Move Shipping Lanes in the Bay of Fundy to Protect Right Whales

Transport Canada, an agency of the Canadian government, has proposed a change in shipping lanes in the Bay of Fundy that could greatly increase protection for right whales in this area.

The Grand Manan Basin in the mouth of the Bay of Fundy between New Brunswick and Nova Scotia serves as one of five western North Atlantic habitats deemed critical to the survival and recovery of the North Atlantic right whale. More than two-thirds of all North Atlantic right whales are found in this area during the summer and fall (June-November) each year. The area's importance to right whales is underscored by its designation as the Bay of Fundy Conservation Area by the Canadian Department of Fisheries and Oceans.

The mouth of the Bay of Fundy is also an important shipping route for vessels passing to and from the ports of St. John and Bayside in New Brunswick, Hantsport in Nova Scotia and Eastport, Maine. About 90 percent of this traffic goes to and from St. John, and consists primarily of petroleum products - crude oil entering and refined products leaving.

Vessels greater than 20 meters in length entering and leaving the Bay of Fundy are required to follow mandatory shipping lanes, some of which coincide with right whale areas of activity. The western outbound lane, in particular, crosses an area intensively used by right whales in the summer. Studies conducted by the New England Aquarium, East Coast Ecosystems, the Department of Fisheries and Oceans and others have indicated that shifting the shipping lanes 3.9 miles to the east would reduce the risk of ship strikes by as much as 80 percent. Such a change would add about five miles to the St. John route and 11 miles to the Bayside and Eastport routes.

Public Comment Due by June 7

Details of the proposal can be found at www.tc.gc.ca/atl/marine/fundy_e.htm. Public comments on the proposal are due by June 7 (902-426-2060; fax 902-426-6092; e-mail: scottjw@tc.gc.ca)

The proposal will be submitted to the International Maritime Organization, and first considered by its Subcommittee on the Safety of Navigation at its 48th session to be held July 8-12 in London.

Reporting Compliance Improves in the Southeast

The U.S. Coast Guard reports that in the southeast, the number of ships complying with the requirements of the Mandatory Ship Reporting System is increasing. Approximately 59 percent of ships reported during the November 15, 2001 to April 15, 2002 season. The previous high had been about 53 percent. The Coast Guard's goal is to have 100 percent compliance by April 2003. Reaching that goal will require the combined efforts of many, including the Coast Guard, the National Marine Fisheries Service (NMFS) and state agencies.

The Coast Guard offers a number of possible explanations for the improvements in compliance, including adjustments within the Coast Guard, educational outreach to shipping agents and ship operators by NMFS, and increased enforcement. The first alleged violation case is now pending. Civil penalties for the first violation can be \$1,000. Second violations can include a \$5,000 fine, third violations a \$27,500 fine.

A review of the first year of the Mandatory Ship Reporting System can be found in a recent NMFS publication by Dr. Greg Silber and colleagues (see Scientific Literature and Reports, page 8, for citation and availability).

U. S. House Relaxes Endangered Species Act Requirements for Military

The U. S. House of Representatives recently passed the FY03 Defense Authorization bill. The bill includes four provisions of the Department of Defense's Readiness and Range Preservation Initiative, including one on endangered species. According to a Department of Defense memo to Congress, the bill will give the Department "the flexibility to work with the...National Marine Fisheries Service to develop an Integrated National Resources Management Plan. The Plan would serve as an alternative to the critical habitat designation." The provisions "will help preserve the military's capability to train and test our troops for the War on Terrorism, while protecting the environment."

It is not clear what impact, if any, the new provision will have on the activities of the U.S. Navy, which frequently involve the right whale calving ground critical habitat off Georgia and Florida.

NMFS Proposes New Rule on Gillnets During Calving Season

The NMFS recently proposed to amend the Atlantic Large Whale Take Reduction Plan to reduce the risk of entanglements of right whales off the coasts of Georgia and Florida. The proposed rule, if implemented, would prohibit straight sets of gillnets at night during the right whale calving season, November 15 through March 31. The restricted area is west of 80°00.0' and between 32°00.0' and 27°51.0' N. The details of the proposed rule were published in the Federal Register, volume 67, number 59, March 29, 2002, pages 14690-14694. The public comment period ended May 28.

NMFS Reacts to Ship Strike Committee Recommendations

Although the National Marine Fisheries Service has not responded formally to a recent set of recommendations for reducing ship strikes, the agency says it is already addressing some of the issues.

The recommendations were submitted in September 2001 and January 2002 by the Southeast U.S. Right Whale Recovery Plan Implementation Team and the Northeast Implementation Team. They were based on "the Russell report," authored by Bruce Russell of JS&A Environmental Services on behalf of the northeast and southeast Ship Strike Committees. In the northeast, the ship-strike committee was co-chaired by Bruce Russell and Amy Knowlton of the New England Aquarium. In the southeast, the co-chairs were Bruce Russell and Dave Kaufman of the Jacksonville Port Authority (see Right Whale News 9(1):2-3).

NMFS has formed a Ship Strike Steering Committee that is chaired by Dr. Greg Silber of headquarters and includes Pat Gerrior, Phil Clapham, Kathy Wang and Steve Swartz. There have been several meetings to discuss directions and how to proceed on the issues. One item under discussion is to have the Northeast Implementation Team re-organized to focus more on ship strike issues (while not losing sight of other large whale recovery issues). Consideration is also being given to what will need to be included in an Environmental Assessment.

An economic analysis of the proposed ship strike management measures has been prepared for NMFS by Drs. Hauke Kite-Powell and Porter Hoagland of the Woods Hole Oceanographic Institution's Marine Policy Center. (See Scientific Literature and Reports, page 8, for citation and availability.) The report estimates the costs of the proposed management measures to the shipping industry from Maine to Florida. It estimates the average port call cost per ship would be \$500, ranging from \$1,170 for the Port of Fernandina Beach, Florida, to \$200 for the Port of Philadelphia. The researchers say it's likely, based on conservative estimates, that the true cost of these ship strike management measures to operators along the U.S. east coast would be around \$10 million a year. Further refinements of the economic cost model and a risk assessment by Drs. Kite-Powell and Hoagland are continuing, under a NOAA Grant/University of New Hampshire Agreement.

21 Calves This Year!

News from the right whale calving ground off Georgia and Florida this year is encouraging. Five aerial survey teams flying between the central coast of Florida and the Chesapeake Bay observed 21 calves during the November 2001- March 2002 calving season. This calf count is the third highest since 1980. The highest number of calves reported during a calving season, 31, occurred last year (November 2000-March 2001). The second highest, 22 calves, occurred during the 1995-96 season. There were no observed calf deaths this season, while four calves died during the 2000-01 season. Also encouraging was Amy Knowlton's finding that one of this year's mothers was a whale that had not been sighted for years and had been presumed dead.

The first right whale of the season was sighted on December 2, the first calf on December 8. The last whales on the calving ground were seen on April 11 (a mother/calf pair sighted and photographed off Marineland by the Volunteer Sighting Network).

Several other noteworthy observations were made in southeastern waters. Bill McLellan of the University of North Carolina-Wilmington and his observer team flew multiple track lines between Savannah, Georgia, and Chesapeake Bay. Their multiple sightings in the Savannah to Cape Fear, North Carolina, area provided strong evidence that the winter residential area for right whales extends north of the existing critical habitat area to Cape Fear. This finding supports consideration of the need to expand the critical habitat boundary in the southeast.

Chris Slay and his New England Aquarium team sighted eight mother cows with yearlings, an unusually high number. The team also observed three vessel-whale interactions. In two of the cases, the vessels slowed down and altered course to avoid the whales. The third, involving a fast-moving sports fishing boat, was a close call, with the boat showing no sign of evasive action. This near miss suggests that increased educational efforts are needed to reach the operators of these vessels. The Ocean Conservancy has plans to address this need.

Two entangled right whales were observed this season. An adult male was sighted on February 12 off Amelia Island, Florida. Another entangled right whale was seen on April 17 and 18 off Cape Fear. This animal was sighted again in early May in New England waters, still entangled.

Jim Hain reported that the shore-based Volunteer Sighting Network, operating along approximately 45 miles of the Florida coast from St. Augustine to Ponce Inlet, is making great strides in improving the quality and value of the information they collect. The network, a collaboration among Associated Scientists at Woods Hole, Marineland and the Marine Resources Council, is proving to be a valuable supplement to the current aerial surveys. This season, the network recorded 13 verified sightings of right whales. Ten of these were photographed with quality sufficient for photo-identification. The network also operates an active education and outreach program, which includes reaching out to children & the next generation of whale conservationists!

Georgia Ports Authority Creates Right Whale Coloring Book

Diane Strickland and her colleagues at the Georgia Ports Authority have created what may be some unique outreach tools to educate people about right whales. One is a stick-on tattoo. Another is a coloring book, "The North Atlantic Right Whale." The book includes descriptions of the right whale and text about calving, migration, food, respiration, communication, behavior and threats (pollution, ships, fishing gear). It also includes an official whale watcher certificate. Illustrations are by Michelle Fabie. The coloring book is available on the Georgia Ports Authority's web site: www.gaports.com The Southeast U. S. Right Whale Recovery Plan Implementation Team commended Diane Strickland for her accomplishment.

Congratulations!

Lieutenant Commander Dave Cinalli of the U. S. Coast Guard (Seventh District), a member of the Southeast U. S. Right Whale Recovery Plan Implementation Team, received the U. S. Fish and Wildlife Service's Southeast Region Conservation Award for his leadership in manatee recovery.

The Gulf of Maine Council has awarded the Grand Manan Whale and Seabird Research Station a Gulf of Maine Visionary Award for contributions working to improve the health and future of the Gulf of Maine. The Station, under the leadership of Laurie Murison, has contributed to the development of the Right Whale Recovery Plan for Canada and is part of a network of organizations tracking right whales, responding to entanglement events and educating people in the Bay of Fundy area. The Station is located on Grand Manan Island, New Brunswick.

People

Lt. Dale Bopp of the U.S. Navy will be leaving the Whale Fusion Center (also known as FACSFACJAX) in Jacksonville for additional training. Petty Officer Adrian Nichols of the U.S. Coast Guard will also be leaving the Seventh District. The Southeast U. S. Right Whale Recovery Plan Implementation Team commended Lt. Bopp and Petty Officer Nichols for their outstanding work on behalf of right whales.

NOAA Corps Officer Nick Toth has joined the Protected Resources Division in the Southeast Regional Office of the NMFS to work on right whale issues.

The Protected Resources Division of the Northeast Regional Office, NMFS, is reorganizing to establish a uniform and cohesive marine mammal program. Among the changes: Dr. Sal Testaverde, whose work as liaison between NMFS and the Northeast Implementation Team helped make meetings happen and flow smoothly over the years, has been designated the Division's research and contract coordinator. Pat Gerrior assumes Sal's duties as the liaison between NMFS and the Northeast Implementation Team. Pat will continue her role as ship-strike coordinator. Glenn Salvatore, also of the Northeast Regional Office of NMFS will soon move to Delaware to serve as "equipment specialist" (which includes fishing gear research and outreach) for the Mid-Atlantic region between the Virginia/North Carolina line and Long Island, New York. While Glenn will continue to work north of New York for a while, NMFS plans to hire a second specialist for the Long Island to Maine area.

Cyndi Thomas, former chair of the Southeast U.S. Right Whale Recovery Plan Implementation Team, will leave The Ocean Conservancy for some world traveling. Bon voyage!

NMFS Begins Study of Research Impacts on Right Whales

The NMFS Permitting Office is conducting a programmatic assessment of the cumulative impacts of scientific research on right whales, as permitted under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). Currently, there are 13 active permits for right whale research. Of these, eight cover North Atlantic right whales. Two of these authorize tagging and four authorize biopsy sampling.

These research permits are responsible for approximately 1900 "takes" of right whales a year, as defined by the MMPA and ESA. If a boat approaches a right whale within 500 yards, that counts as a "take." So does an airplane flying lower than 1000 feet over a whale. The Permitting Office is trying to determine if these "takes" have an effect on right whales. The initial assessment is expected to be completed by the end of May. For further information, contact Dr. Tammy Adams at Tammy.Adams@noaa.gov

Rebuttal: Remnant Population of Bering Sea Right Whales

The following article was submitted by Drs. R. L. Brownell, Jr., P. J. Clapham, R.G. LeDuc and H. C. Rosenbaum in response to an article by Dr. C. T. Tynan and colleagues that appeared in Science last November and was reported in the February 2002 issue of Right Whale News.

In "Endangered Right Whales on the Southeastern Bering Sea Shelf" (Science, 30 Nov. 2001, p. 1894) Tynan et al. assert that right whales (1) in the Bering Sea have changed both their habitat and prey during the last 50 years, and suggest they are "among the best bellwethers of large ecosystem shifts." Based on our extensive reviews and current studies of this population, we question these conclusions.

Contrary to Tynan et al.'s assertion, the major whaling period for this species was not the 1940's to 1960's, but from 1835 to the 1850's (2); the resulting major reduction in numbers and range is apparent in our recent review of all 20th century records of this species (3). The population underwent slow recovery in the 20th century, but was decimated again by illegal Soviet whaling in the 1960's (3). By focusing on only the recent hunting history, Tynan et al. mistakenly conclude that a habitat shift has occurred, when in reality the whales they found were in a small (but historically well-documented) portion of their former range (3,4,5,6). Furthermore, Tynan et al.'s survey coverage was inadequate to document the absence of whales from other historic habitats, or to permit conclusions about this population's size.

All we know about the diet of right whales in the Bering Sea is that six whales killed in 1962/63 had eaten the oceanic copepod *Neocalanus cristatus* (7). From this, and their recent observations of only six animals (five of which were not observed feeding), Tynan et al. conclude that these whales have changed their prey to *Calanus marshallae*, which happened to be the dominant copepod in their zooplankton sampling. Extremely low sample sizes and indirect evidence are hardly sufficient to justify such a sweeping conclusion.

Finally, we suggest it is unwise to use critically endangered species as a "bellwether of large ecosystem shifts." Small wide-ranging populations are too subject to stochastic events to allow the gathering of reliable data on abundance, distribution and feeding habits. The right whale is the wrong whale with which to monitor ecosystem changes in the North Pacific.

References and notes

- (1) The scientific name is *Eubalaena japonica* (Lacépède, 1818), not Gray as stated by Tynan et al.
- (2) R. Webb, *On the Northwest: Commercial whaling in the Pacific Northwest*, Univ. British Columbia Press (1988).
- (3) R. L. Brownell, Jr., et al., *J. Cetacean Res. Manage.* (Special issue 2) 269 (2001). At least 523 North Pacific right whales were killed in the eastern North Pacific by the USSR between 1963 and 1967.
- (4) C. H. Townsend, *Zoologica* 19, 1 (1935).
- (5) A. A. Berzin, A. A. Rovnin, *Izv. TINRO* 58, 179 (1968).
- (6) R. G. LeDuc et al., *J. Cetacean Res. Manage.* (Special issue 2) 287 (2001).
- (7) H. Omura et al., *Sci. Rep. Whales Res. Inst.* 21, 1 (1969).

Scientific Literature and Reports

Au, W.W.L, A.N. Popper and R.R. Fay, editors. 2000. *Hearing by whales and dolphins*. Springer-Verlag, New York. 485 pages. Includes a chapter by Drs. Tyack and Clark on communication and acoustic behavior of free ranging cetaceans, including right whales.

Blue, J.E., E.R. Gerstein and S.E. Forsythe. 2001. Ship strike acoustics: It is all just shadows and mirrors. *Journal of the Acoustical Society of America* 110: 2723.

Gerstein, E.R. 2002. Manatees, bioacoustics and boats. *American Scientist* 90: 154-163. This paper has implications for right whale/ship strike avoidance issues. For further information, visit the American Scientist web site: www.americanscientist.org/articles/02articles/Gerstein.html

Kite-Powell, H. and P. Hoagland. 2002. Economic aspects of right whale ship strike management

measures. Final project report to the NMFS, order number 40EMNF100235. This report is available on line at: www.nero.nmfs.gov/whatetrp/shipstrikeeconapril02.pdf

Silber, G.K., L.I. Ward, R. Clarke, K.L. Schumacher and A.J. Smith. 2002. Ship traffic patterns in right whale critical habitat: Year one of the mandatory ship reporting system. NOAA Technical Memorandum NMFS-OPR-20, U.S. Department of Commerce. This publication is posted on NMFS's web site: www.nmfs.noaa.gov/prot_res/PR2/Conservation_and_Recovery_Program/msr/msrhome.html

Waring, G.T., J.M. Quintal and S.L. Swartz, editors. 2001. 2001 U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments. Northeast Fisheries Science Center, NMFS. Copies available from the Science Center, 166 Water Street, Woods Hole, MA 02543-1026 or on line in pdf format at www.nefsc.nmfs.gov/psb/assesspdfs.html

Young, N.M. 2001. The conservation of marine mammals using a multi-party approach: an evaluation of the take reduction team process. *Ocean and Coastal Law Journal* 6 (2): 293-346. Includes an evaluation of the Atlantic Large Whale Take Reduction Team.

Calendar of Events

June 5: **Cancellation.** The meeting of the Northeast Implementation Team scheduled for June 5 has been cancelled. At press time, the meeting had not been rescheduled. For further information, contact Pat Gerrior at the Northeast Fisheries Science Center, 508-495-2264 or Pat.Gerrior@noaa.gov

June 7: Comment period ends for Transport Canada's proposal to shift the shipping lanes in the Bay of Fundy to protect right whales. See article on page 1 for details.

July 1-October 1: Public comment period for the draft management plan for the Stellwagen Bank National Marine Sanctuary. For further information, contact Kate Van Dine at 781-545-8026, ext. 203 or Kate.VanDine@noaa.gov

October 17-18: Fall meeting of the Southeast U.S. Right Whale Recovery Plan Implementation Team. Location to be determined. For further information, contact team chair Barb Zoodsma at 912-264-7218 or Barb_Zoodsma@mail.dnr.state.ga.us

October 29-30: Annual meeting of the North Atlantic Right Whale Consortium. Location to be determined. For further information, contact Marilyn Marx at: mmarx@neaq.org

December 14-19, 2003: 15th Biennial Conference on the Biology of Marine Mammals, Greensboro, North Carolina. Sponsored by the Society for Marine Mammalogy. For more information, visit the SMM web site: <http://pegasus.cc.ucf.edu/~smm/>

Right Whale News

Right Whale News is the newsletter of the Southeastern U.S. Right Whale Recovery Plan Implementation Team and the Northeast Implementation Team. The editor is Hans Neuhauser. The

editorial board consists of Bill Brooks, Moe Brown, Phil Clapham, Jerry Conway, Jim Hain, Scott Kraus, Mike Payne, Sigrid Sanders and Jerry Wallmeyer.

The Gray's Reef National Marine Sanctuary, the Massachusetts Environmental Trust, the Southeast Regional Office of NOAA Fisheries, the Northeast Implementation Team and the Savannah Presbytery's M. K. Pentecost Ecology Trust Fund (www.savannahpresbytery.org) underwrite the costs of Right Whale News. Thanks to their support, Right Whale News is published quarterly and is distributed free of charge.

The **current issue** of Right Whale News is now available on line at a web site maintained by the Georgia Environmental Policy Institute: www.GEPInstitute.com An **index** of the first eight years of Right Whale News (1994-2001) is available along with current and **back issues** on the Internet, thanks to Alex Score and Marcy Lee of the Gray's Reef National Marine Sanctuary. The web site address is: <http://www.graysreef.nos.noaa.gov/rightwhalenews.html>

To subscribe to Right Whale News or to submit news, articles or commentary for publication, contact the editor, Hans Neuhauser, at the Georgia Environmental Policy Institute, 380 Meigs Street, Athens, GA 30601, USA. Telephone 706-546-7507. Fax 706-613-7775. E-mail: gepi@ix.netcom.com

[Back to top page](#)