

# RIGHT WHALE NEWS

The Publication of the Southeast United States Right Whale Recovery Plan  
Implementation Team and the Northeast Implementation Team

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## NOAA Fisheries Seeks Comment On Proposed Ship Strike Reduction Strategy

NOAA Fisheries (also known as the National Marine Fisheries Service) is expected to publish an Advance Notice of Proposed Rulemaking (ANPR) in the *Federal Register* this month, seeking comment on the agency's proposed ship strike reduction strategy. (For *Federal Register* access, see: [www.gpoaccess.gov/fr/index.html](http://www.gpoaccess.gov/fr/index.html)). The strategy is expected to address five major elements: (1) speed and routing operational measures; (2) education and outreach; (3) continuation of ongoing ship strike reduction measures; (4) a review of the need for section 7 consultations under the Endangered Species Act with Federal agencies who operate or authorize vessels in right whale waters; and (5) a coordination agreement with Canada. Comments on the ANPR will be solicited specifically on proposed operational measures, and the comment period will last for 60 days.

The comment period will include or be followed by at least three public meetings: one in the northeast, one in the mid-Atlantic and one in the southeast. The information gained from these meetings will be used to analyze the effectiveness of the proposed regulatory measures and potentially consider other options for Federal rulemaking to reduce ship strikes of right whales. Meeting dates and times will be announced in the *Federal Register* notice following the publication of the ANPR.

NOAA Fisheries is also expected to prepare an Environmental Assessment (EA) on the strategy in fulfillment of its responsibilities under the National Environmental Policy Act. A draft EA and a draft proposed rule may be released by late 2004 or early 2005. NOAA Fisheries may decide, because of the controversial nature of the strategy, to prepare an Environmental Impact Statement (EIS) instead of an Environmental Assessment.

The strategy is being prepared by the National Ship Strike Working Group, which is coordinated from headquarters by Aleria Jensen (301-713-2322, ext. 169 or [Aleria.Jensen@noaa.gov](mailto:Aleria.Jensen@noaa.gov))

# Notes from the Ship Strike Committee Meeting

*Bruce Russell and Amy Knowlton*

The final meeting of the Ship Strike Committee was held March 8 at the Black Falcon Terminal, MASSPORT, in Boston. (For an explanation of the organizational change, see page 6.) Bruce Russell and Amy Knowlton chaired the meeting. Pat Gerrior, NOAA Fisheries liaison, coordinated the meeting, with support from Brad Wellock of MASSPORT. Thirty-nine people representing the shipping industry, conservation groups, federal and state agencies, and the scientific and research communities participated in the meeting.

The purpose of the meeting and major topics addressed included:

- 1) To review and receive input on the five ongoing Ship Strike Committee projects (see page 4).
- 2) To solicit input on potential new or follow-up projects for NOAA Fisheries or other agencies or interested groups for support, and/or funding.
- 3) To discuss seasonal whale notifications and sightings alerts in broadcast notices to mariners with Tim Cole of NOAA Fisheries and Katie Moore, Coast Guard Atlantic Area protected resources manager, in particular as they relate to notices to mariners and safety voice broadcasts in the mid-Atlantic region. A brief summary of these discussions is included later in these notes.
- 4) To discuss ongoing problems with the mandatory ship reporting (MSR) system, including return messages, MSR compliance, and enforcement.

The discussions covered a wide range of right whale related topics and concerns. Three of the issues require clarification.

- Several shipping industry representatives raised concerns that proposed vessel operating measures would essentially close areas to shipping. Russell assured them that, with the exception of the areas east of the traffic separation scheme (TSS) in the Great South Channel (GSC), no proposed areas would be closed to shipping. Proposed measures for areas where right whales occur would impose a speed restriction; the master would retain the discretion to route around any area.
- Captain Walker, pilot for the Bath Iron Works, raised a concern about the proposed Area to be Avoided in the Great South Channel Critical Habitat. His historical observations are that right whales occur throughout the GSC, including the TSS. Russell and Knowlton explained that a closer time-scaled examination of the data suggests that right whales set up outside the shipping lanes more often than not. Moe Brown suggested that a sightings per unit of effort analysis be conducted. Amy Knowlton suggested that her earlier GIS study on right whale movements in the GSC be updated (see [http://www.marinegis.org/rwhale\\_gis.html](http://www.marinegis.org/rwhale_gis.html)).
- Proposed legislation on right whale ship strike reduction measures has been inserted in a Coast Guard authorization bill. There was discussion about this legislation and

language, and those familiar with both the language and its intent provided their insights. The chairs recommend that those interested contact their associations or parent organizations, as this is beyond the purview of the committee.

Some of the discussions resulted in recommendations for agency action. On the basis of these discussions, and in addition to the potential project list, the co-chairs developed a number of recommendations to NOAA Fisheries and other agencies for action:

Course modules being developed for the Merchant Mariner Education project should be made available to foreign schools and companies conducting in-house merchant training.

NOAA Fisheries should meet with the Coast Guard to address enforcement problems with the MSR system. Coast Guard Navigation and Vessel Inspection Circular 06-03 revises procedures for the Coast Guard's port state control program. Absent from these procedures is any mention, guidance or legal authority for enforcement of the MSR system. Further, an informal survey of Coast Guard Marine Safety Offices (MSO) indicates that local enforcement of the MSR is limited to offices directly within the MSR compliance area. Because of the nature of vessel traffic port calls, all East Coast MSOs should verify compliance with the MSR reporting requirements.

The Coast Guard and NOAA Fisheries should develop specific procedures to publish a pre-season annual Notice to Mariners, to provide current information in a local notice to mariners, and to provide information on sightings of right whales. Particular attention should be given to dissemination of information on sightings in the mid-Atlantic region. In addition, NOAA Fisheries and the Coast Guard should consider developing an annual schedule of tasks that should include, but not be limited to, scheduling of Notice to Mariners, *Coast Pilot* updates, maritime publication updates, and outreach materials updates and distribution. The language included in these alerts should be reviewed annually to ensure that it reflects the most recent regulations and current recommended prudent practices.

An ad hoc working group should be established to explore ways and opportunities for the Northeast and Southeast Implementation Teams to collaborate with the NOAA Fisheries National Ship Strike Working Group.

An ad hoc working group should be established to coordinate outreach efforts between the Northeast and Southeast Implementation Teams.

Information and studies or assessments on the viability of technological solutions to the ship strike problem should be made available to the shipping industry as part of the outreach program. The shipping industry continues to question the need for strict operating measures and is calling for technological solutions.

Protocols with the Coast Guard and Army Corps of Engineers for handling situations when right whales go up rivers, small harbors, or into the Cape Cod Canal should be

reviewed. Right whales have been documented on several occasions (including at least twice during January 2004 in Florida) swimming up river entrances or into or through the Cape Cod Canal. This makes them more vulnerable to interactions with traffic entering and departing a port.

*Summary of reports on five ongoing Ship Strike Committee projects*

**Merchant Mariner Education:** Bill McWeeny, Educational Consultant, (bmcweeny@adams.u93.k12.me.us) reported that he, Amy Knowlton and Bruce Russell are developing two course modules for incorporation into the standard "Social Responsibility" section of the Basic Safety Training course, which is a refresher course required for all U.S. mariners, and the voyage planning course and other courses as appropriate. The project team is working with Maine Maritime Academy (Castine) and the Maritime Institute of Technology and Graduate Studies (Baltimore). McWeeny is working directly with Maine Maritime Academy instructors to determine informational needs and course content based on specific learning objectives. Once these course modules are complete, the project team will work with the Coast Guard for course approval and inclusion of the information in ISM Code requirements guidance. The project team also will work with the Chamber of Shipping for inclusion of relevant information in the ICS Bridge Manual. Scott Clegg, of CSC International, suggested that the course modules be made available to foreign maritime schools and shipping companies. This is recommended as an action item above.

**Right whale ship strike education outreach:** Bruce Russell provided a brief summary of the project objectives and next steps. First, working with Pat Gerrior and Pat McGinn, and the National Ocean Service (NOS), *Coast Pilot* issues 1-4 have been updated to reflect the latest information available on the seasonal occurrence of right whales. Prior to these recent changes, *Coast Pilot* chapters covering the mid-Atlantic region were essentially silent on the occurrence of right whales in the shipping lanes and approaches to mid-Atlantic ports. Now, information is included. Russell reported this as significant because many mid-Atlantic port communities incorrectly believe that right whales are a New England and Florida/Georgia problem. All four *Coast Pilots* now have instructions on MSR reporting. NOS has provided extracts for each *Coast Pilot*. These extracts include chapter by chapter, all references to right whales in the *Coast Pilots*. These are currently included in the pilots' package that Pat Gerrior developed to educate mariners on right whales and the MSR. Working with the Southeast region, a letter has been drafted to distribute these extracts to all shipping associations, port authorities and pilots associations on the US East Coast. After mailing letters, NOAA Fisheries and NOS plan a press release with particular attention to the mid-Atlantic region. Russell will follow the letters with visits to the port communities – Philadelphia, Lewes, DE, Baltimore, and the wider Hampton Roads region, as well as industry associations in the Washington, DC area. Following these visits, a meeting of the reconstituted Northeast Implementation Team (see next article) will be held in the Hampton Roads area. Tom Fetherston of the US Navy and Katie Moore of the US Coast Guard offered assistance in setting up this

meeting. Also discussed was the need to get accurate information on the nature of vessel traffic entering and departing Chesapeake Bay.

**Recreational vessel outreach:** Erin Heskett, International Fund for Animal Welfare (IFAW; eheskett@ifaw.org) provided drafts of three placards for distribution to recreational vessels 65 feet and larger in the northeast, mid-Atlantic and southeast. The production and distribution of these visuals is a project jointly funded by IFAW and NOAA Fisheries. Heskett asked for input and suggestions on the placards, the efficacy of signage, and other means to get the information to recreational mariners. He agreed to chair an ad hoc working group on recreational vessel outreach, and to collaborate with a similar project being conducted in the southeast. Those interested in receiving a copy of the draft placard, or in participating on the ad hoc recreational vessel-working group should contact Heskett.

**Economic analysis of direct and indirect effects of proposed right whale ship-strike measures for the Port of Boston:** Dr. Hauke-Kite Powell (hauke@alum.mit.edu) described the U.S. Maritime Administration economic model he is employing for this project. He has set up the model and is working with the Massachusetts Port Authority (MASSPORT) and other Boston port interests to gather information for the model. MASSPORT and NOAA Fisheries jointly funded this project.

**Vessel traffic management scenarios:** Bruce Russell and Amy Knowlton described the analysis techniques and findings in their study and report, *Vessel Traffic-Management Scenarios Based On Recommended Measures to Reduce Ship Strikes of North Atlantic Right Whales* (November 2003). This report examines the impact on vessels calling at major ports, measured in additional time it will take for vessels to comply with proposed vessel operating restrictions. The bases for the proposed operating restrictions are in the “Russell report” (*Recommended Measures to Reduce Ship Strikes of North Atlantic Right Whales*, 23 August 2001, by B. Russell et al). The authors collaborated with researchers at the Woods Hole Oceanographic Institution's Marine Policy Center, who conducted an analysis, *Economic Aspects of Right Whale Ship Management Measures* (March 2002, by Kite-Powell and Hoagland) on vessel traffic-management scenarios based on the management measures recommended in the Russell report.

Subsequent to the publication of the Russell report and the Kite-Powell economic assessment, it became clear that the vessel traffic-management scenarios used in the economic assessment did not adequately reflect or describe the impact the recommended measures will have on shipping. Russell and Knowlton described the analytical approaches for providing solid estimates for the impacts measured in additional time it will take for vessels to comply with proposed vessel operating restrictions. In this paper they examined how vessels slow down and speed back up. They examined how vessels enter port to embark a pilot; they then modeled how much net additional time a vessel will take to transit through a seasonal or dynamic management area. They found that, for seasonal management areas, from the port of New York and New Jersey south to and including the port of Jacksonville Florida, they originally over-estimated the impact of speed restrictions on a single voyage by as much as 10 to 93 percent, depending on the

severity of the proposed measure, the port, and type of vessel. They studied all available right whale sighting data and retrospectively applied the dynamic management trigger mechanism included in the Russell report. They believe that for the most part, where possible, most masters would choose to route around most dynamic management areas. For impact assessment purposes they recommend that modelers use the worst case, that is, a vessel slowing to transit through a dynamic management area.

In their recent paper, *Right Whale Sightings and Survey Effort in the Mid Atlantic Region: Migratory Corridor, Time Frame, and Proximity to Port Entrances* (July 2002), Knowlton and Russell compiled and analyzed all available right whale sightings data in the right whales' migratory corridor from southern New England south to the southern calving grounds off northern Florida and southern Georgia. There is still a paucity of data. Russell reported that their original rough estimate of a 60-day annual duration might be low; their revised estimates range from 98-210 days, 40 to 250 percent longer, depending on the port. In this paper, they provide detailed revised vessel traffic management measures, a method to calculate the net additional time it will take a vessel to transit a management area, recommendations on research to address data gaps and needs, and recommendations on future research needs.

**Mid-Atlantic notices to mariners:** Tim Cole, NOAA Fisheries (tim.cole@noaa.gov) and Katie Moore, Coast Guard District 5 and Atlantic Area protected resources manager, (kmoore@lantd5.uscg.mil) discussed notices to mariners and safety voice broadcasts in the mid Atlantic region. There was sometimes heated discussion about what advisories should include with respect to recommendations on how vessels should transit the area in the mid Atlantic (e.g., reduced speed out to 20-30 nm offshore), as well as the duration of the advisory. It was agreed that the notices to mariners should reflect what is in the *Coast Pilots*. Katie Moore added that the Coast Guard has the ultimate discretion on the content of the notices; also, that Broadcast Notices to Mariners will no longer be mailed out, but will be available on the web. Both she and Tim Cole invited comments and can be contacted at the e-mail addresses provided. Amy Knowlton suggested that the annual process for publication of notice to mariners for the mid-Atlantic be institutionalized.

## **Northeast Implementation Team Reorganizes . . . Again**

In February, NOAA Fisheries announced that it had replaced the Northeast Large Whale Recovery Plan Implementation Team with a Northeast Ship Strike Implementation Team (see *Right Whale News* 11(1):1). In March, NOAA Fisheries decided to restore the team's original name, but limit its scope and functions to those of the former Ship Strike Committee. The new Northeast Implementation Team (NEIT) will focus on North Atlantic right whale ship strike reduction. It will also support the NOAA Fisheries National Ship Strike Working Group.

Protocols state that membership of the new NEIT will consist of the two co-chairs of the former Ship Strike Committee, Bruce Russell (barussell@verizon.net) and Amy Knowlton (aknowlton@neaq.org), and a federal and state Agency Coordinating

Committee (ACC). The ACC will be chaired by representatives from NOAA Fisheries and the U.S. Coast Guard. The two ACC co-chairs and the NEIT co-chairs plus a Secretary appointed by the ACC will make up the NEIT Steering Committee. The Steering Committee will advise NOAA Fisheries on right whale ship strike reduction matters.

Other members of the ACC include traditional members of the NEIT (e.g., port authorities, the Marine Mammal Commission and the Commonwealth of Massachusetts) and agencies that will be new to the team's workings, including the National Ocean Service (part of NOAA), the U.S. Maritime Administration and possibly the Military Sealift Command and any agency with a fleet (Army, EPA). The role of the ACC is to be briefed on NEIT issues and to provide support for the NEIT as reasonable.

Non-governmental organizations, scientists, researchers and shipping interests (other than those already serving) may participate in the NEIT as advisors (so named by the NEIT Steering Committee) or participants (any interested party).

NEIT responsibilities include identification of priority tasks that could be undertaken by the NEIT or NOAA Fisheries along with work statements, time lines and budgets. The NEIT is also to monitor the implementation of ship strike mitigation measures and to provide comment to others regarding impacts on right whale recovery. These comments must be "thoroughly investigated" and "discussed by the full NEIT." Votes may be taken at the discretion of the NEIT co-chairs. Meeting summaries and an annual report are also required.

The new NEIT arrangement leaves the consideration of fishing gear entanglement issues to the Atlantic Large Whale Take Reduction Team and places in limbo the other right whale recovery issues identified in the June 2001 draft of the *Updated Recovery Plan for the Western North Atlantic Right Whale*: habitat degradation, noise, contaminants, military operations, hunting, and climate and ecosystem change. The arrangement also means that there is no team to address recovery issues for humpback whales, sei whales or fin whales.

## **GreenWorld to Sue Massachusetts over Right Whale Permits**

Max Strahan, the National Campaign Director for GreenWorld, recently announced the organization will commence a civil action in U.S. District Court in Boston against Ellen Roy Herzfelder, Secretary of the Massachusetts Executive Office of Environmental Affairs, and Paul Dideroti, Director of the Division of Marine Fisheries, "to stop these agencies from further licensing the use of gill nets and other types of commercial fishing gear that routinely kills and injures endangered species of whales and sea turtles in U.S. coastal waters."

The action will claim that Secretary Herzfelder is violating the take prohibitions of Section 9 of the federal Endangered Species Act. GreenWorld will ask the court to order

the agencies to license only “whale-safe fishing gear,” which they define as being “scientifically engineered and tested to not entangle whales or sea turtles.” GreenWorld also claims that the deposition of plastic fishing gear in the navigable waters of the United States is a violation of the federal Clean Water Act.

In addition, GreenWorld has petitioned the Office of the Massachusetts Attorney General to enforce the Massachusetts Endangered Species Act and stop the licensing of “anything but whale-safe fishing gear.” The Attorney General also will be asked to bring criminal charges against any commercial fisherman whose gear entangles an endangered whale or sea turtle.

## **Pilot Program May Help Whales and Lobster Fishermen**

The International Fund for Animal Welfare (IFAW) has launched a whale-friendly pilot project for lobster gear replacement. The project will help Massachusetts lobster fishermen replace floating rope with sinking rope. With funding from federal grants, the program will offer vouchers for the old ropes, subsidizing up to 75 percent of the cost of new sinking rope. Voucher distribution centers will be set up in southern and northern Massachusetts in the fall of 2004.

Currently, the right whale critical habitat in Cape Cod Bay and the Dynamic Management Areas are the only areas in the state where sinking rope or neutrally buoyant rope is required, but NOAA Fisheries is drafting rules that would extend the requirement elsewhere. For additional information on the program, contact Erin Heskett at IFAW: 508-744-2192 or [eheskett@ifaw.org](mailto:eheskett@ifaw.org)

## **Noteworthy Events**

On January 25, Julie Albert, with the Marine Resources Council’s Volunteer Sighting Network, observed a right whale mother (#2360) and calf off Indiatlantic on the mid-coast of Florida. Five days later, the same pair was observed about 2.5 miles off the Port of Miami, well to the south of the species’ normal range.

On March 14, Chris Cramer, a University of Florida student, observed and photographed a right whale mother and calf pair in the northern Gulf of Mexico about a mile and a half off Panama City Beach, Florida. Subsequently, several sightings of right whales were reported between Panama City Beach and Pensacola, about 100 miles to the west. Some of the sightings could not be confirmed or documented. According to Amy Knowlton of the New England Aquarium, who examined Cramer’s photographs, the quality of the photographs was sufficient to confirm that the animals were right whales, but not clear enough to be able to identify them as individuals. Unless the animals are sighted again in the Gulf of Mexico, the speculation that they were the same mother/calf pair seen off Miami on January 30 will remain just that. If the whales remain in the Gulf, they will confront high water temperatures and a sparse food supply. The last known record of a



right whale in the Gulf of Mexico occurred in January 1972 when a dead calf washed ashore near Freeport, Texas.

The sighting of a right whale entangled in fishing gear off St. Augustine, Florida, on March 17 was the start of a national news event and the *Kingfisher* saga. The animal, a 34 foot long yearling male (#3346) had at least two body wraps, 20 to 30 wraps around the right flipper, and at least six wraps around the left flipper. A satellite tag was attached on March 17 south of St. Augustine, allowing the tracking of the whale. An initial disentanglement effort was undertaken March 19 off Cumberland Island, Georgia, under the direction of the Center for Coastal Studies. The assistance provided by the captain and crew of the U.S. Coast Guard cutter *Kingfisher* in this effort prompted the naming of the yearling whale as *Kingfisher*. On March 22, *Kingfisher* was off Charleston, South Carolina. With the support of the USCG cutter *Yellowfin*, a biopsy sample was taken on March 24 when the whale was off North Carolina. Between March 27 and April 2, the whale was tracked as it swam north. Finally, a fishing vessel picked up the now-separated satellite tag on April 3 off Cape May, New Jersey. *Kingfisher* has not been seen since then. It is hoped he will show up in the Gulf of Maine where disentanglement efforts can be re-initiated. Some of the entangling line and buoys were retrieved from the animal and are presently being analyzed by NOAA Fisheries personnel. Experts believe that the gear remaining on *Kingfisher* is still life-threatening. Space does not permit a complete recounting of the events; for further details, consult the Center for Coastal Studies's excellent web site: [www.coastalstudies.org](http://www.coastalstudies.org)

## Report from the Calving Ground

During the recent meeting of the Southeast U.S. Right Whale Recovery Plan Implementation Team (SEIT), Monica Zani of the New England Aquarium summarized the results of the 2003-2004 calving season as follows: A total of 15 mother and calf pairs were observed in the southeast. The Center for Coastal Studies observed a 16<sup>th</sup> mother (#2460) with her first calf in Cape Cod Bay on April 21. These numbers do not include the neonate male right whale that washed ashore on Fernandina Beach on February 3, or *Stumpy's* fetus, first observed off Virginia Beach on February 7 (see *Right Whale News* 11(1):2). Of the mothers in the southeast, four were first-time mothers, and nine had had calves in 2001. Four other adult females were present, accompanied by yearling offspring. A fifth yearling, later named *Kingfisher*, was also present. In total, between 65 and 70 right whales were observed in the calving ground this season. Please note that these data are still preliminary and are subject to change.

Tricia Naessig of Wildlife Trust reported a number of "close calls" between right whales and vessels. The distances involved, from 30 feet to over a mile, emphasize the need for a standardized definition of what is a close call. With the possible exception of the January 25 encounter near St. Augustine (*Right Whale News* 11(1):3), no right whales are known to have been struck while in the calving ground this season.

## **What Should Be Done for a Stranded Right Whale?**

The stranding of a live neonate right whale on Fernandina Beach on February 3 has prompted NOAA Fisheries to review existing protocols for responding to stranded whales, to see if additional or modified strategies are needed specifically for right whales. A facilitated session was held during the SEIT meeting on May 4 to examine the need for new strategies. Discussions revolved around such topics as the roles and responsibilities of the first responder and the principal on-site coordinator. Major response options include immediate release, rehabilitation, and euthanasia.

Participants generally agreed that the selection of the most appropriate response option depends in large measure on the size of the animal. For example, a neonate right whale can be transported by a large helicopter. Moving *Stumpy*, one of the largest North Atlantic right whales ever recorded, required five front-end loaders and even then, it had to be decapitated to make the carcass manageable. Another unresolved issue is the feasibility of rehabilitating a calf whose mother has left the region. Participants also generally agreed that the decision process for authorizing euthanasia needed to be improved.

NOAA Fisheries hopes that these and other discussions will lead to a contingency plan for future right whale strandings.

## **New Protocols Developed for Right Whale Necropsies**

One silver lining in the death of *Stumpy* was the significant refinement of protocols for conducting necropsies on right whales. New protocols developed by Bill McLellan, Butch Rommel, Michael Moore and Ann Pabst resulted in the biological data collected from *Stumpy* being more complete than for any other right whale previously examined.

According to McLellan, the protocols are designed to standardize data collection from stranded right whales. They provide right whale-specific template data sheets and necropsy forms that will aid in the collection of data on external morphometrics, blubber thickness, evidence of soft and hard tissue trauma, and disease states of organs. There are sections on logistics for securing the carcass, identifying suitable necropsy sites, developing a necropsy team, collecting specific right whale data, and post-necropsy logistics and de-briefing.

The protocols have been employed twice to date and have been revised as needed. The publication format for the final form has not been identified, but when identified, the stranding networks will receive notification of how to get a copy.

## **Canadian Government Seeks Comment on Adding Right Whales to Species at Risk List**

The Species at Risk Act (SARA), adopted in 2003, requires the Government of Canada to seek public opinion on the potential impacts of the addition of a species to the list of species that receive protection under SARA. The SARA list does not presently include the North Atlantic right whale as an endangered species.

A decade ago, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed the right whale population and found it to be endangered because it was facing imminent extinction. As required by law, the assessment must be reviewed every ten years. The review is currently underway and is expected to be completed shortly. The rationale for COSEWIC's endangered designation is given as: "The species, found only in the North Atlantic, was heavily reduced by whaling. The total population currently numbers about 322 animals (about 220-240 mature animals), has been decreasing during the last decade, and is experiencing high mortality from ship strikes and entanglement in fishing gear."

Because COSEWIC bases its assessments solely on the biological status of each species, the Government of Canada is presently seeking public opinion on the benefits and costs of adding right whales to the SARA list, relative to the potential impacts on the whales and society of not adding the species. Public comment will be reviewed, evaluated and documented in a Regulatory Impact Analysis Statement. This statement will be used by the Minister of Fisheries and Oceans in making his recommendation to the Minister of the Environment, who in turn will make a recommendation to the Governor in Council. If all goes according to plan, the North Atlantic right whale will be added to the SARA list in November.

The Department of Fisheries and Oceans has published a legal listing consultation workbook to provide general information on SARA and specific information on the North Atlantic right whale. The workbook includes information on threats to right whales (entanglements, ship strikes, noise, toxins and disturbance from human activity) and potential impacts on stakeholders (fishing industry, transportation and commercial industry, whale watch industry and research activity). Future management measures are identified as possibly including reducing the risk of entanglement in fishing gear, mandatory reporting of vessel traffic, reduction of noise levels for marine operations, and limits on whale-watch efforts and some types of research activity. The workbook also includes an opinion survey on such topics as conservation priorities, awareness, threats, intervention measures, costs and benefits. The workbook is accessible electronically at [http://www.sararegistry.gc.ca/public/showDocument\\_e.cfm?id=391](http://www.sararegistry.gc.ca/public/showDocument_e.cfm?id=391)

The deadline for comment is May 30.

## Awards and Recognition

The National Oceanic and Atmospheric Administration (NOAA) recently presented its Environmental Hero Award to 30 individuals and three organizations, recognizing volunteers for their tireless efforts to preserve and protect our nation's environment. Among the winners was the **Northeast Marine Pilots Association**. "The education and outreach accomplished by the Newport, R.I.-based Northeast Marine Pilots Association, at no cost to the public, has been a significant contribution to mitigating right whale ship collisions in the northeast USA. The education foundation being laid by the association is an invaluable asset to NOAA's efforts to ensure the conservation and protection of these endangered whales."

At the recent meeting of the Southeast U.S. Right Whale Recovery Plan Implementation Team (SEIT), several individuals were recognized by the chair, **Jamison Smith**, for their contributions to right whale recovery. **Lt. Josh Russell**, Operations Officer for the U.S. Navy's communications center, FacsFacJax (also known as the right whale fusion center), was presented a plaque: "In appreciation to Lt. Josh Russell for your continuous support in the Early Warning System during the 2003-2004 North Atlantic Right Whale calving season in the southeast United States." Lt. Russell will be leaving the Navy shortly to pursue a civilian career. A similar plaque was awarded to **PO2 Robert Baysden**.

The SEIT also presented plaques to **Rodney Jones**, with the U.S. Navy, and to fisherman **Richie B. Dial** for their "generous and immediate support during the disentanglement efforts for the North Atlantic right whale *Kingfisher* off of north Florida on 19 March 2004." The participation of numerous other individuals and agencies was also acknowledged at the SEIT meeting, including **Dave Morin**, **Stormy Mayo**, **Scott Landry** and **Bob Bowman** of the Center for Coastal Studies; **Chris Slay** of Coastwise Consulting; the crews of the U. S. Coast Guard cutters *Kingfisher* and *Yellowfin*; **Barb Zoodsma** and **Terri Rowles** of NOAA Fisheries; **Monica Zani**, **Lisa Conger**, **Amy Knowlton**, **Beth Pike**, **Heather Pettis** and the aerial observers from the New England Aquarium; **Tricia Naessig** and the aerial observers from Wildlife Trust; **Leigh Youngner**, **Clay George** and other staff from the Georgia Department of Natural Resources; **Bill McLellan** from the University of North Carolina at Wilmington; **Alicia Windham-Reid** and the aerial observers from Florida Fish & Wildlife Conservation Commission's Florida Marine Research Institute; Orion Aviation and pilots; NOAA Twin Otter pilots; and **Bob Murphy** and his pilots with Environmental Aviation.

## Changes

**Dr. Kathy Wang**, Marine Mammal Team Leader for NOAA Fisheries' Southeast Regional Office, plans to retire this summer. She has had a long involvement in right whale recovery issues, and her contributions have been significant. She will be missed. **David Bernhart** has assumed leadership of the Protected Resources Division, Southeast

Regional Office, NOAA Fisheries. **Greg Silber**, coordinator for large whale recovery activities at NOAA Fisheries headquarters, is on detail to the agency's Ocean Exploration program for six months. **Dr. Moe Brown** has left the Center for Coastal Studies for the New England Aquarium. She can be reached at 617-226-2195 or [mwbrown@neaq.org](mailto:mwbrown@neaq.org) **Jerry Conway** of Canada's Department of Fisheries and Oceans is back at work with a new bionic knee; he will be getting another in August. We wish him a speedy and painless recovery. The **Florida Marine Research Institute**, home of most of the state's right whale initiatives, will be re-named the **Florida Wildlife Research Institute** this summer. The new FWRI is expected to be more streamlined and efficient.

## **Center for Biological Diversity Asks for Immediate Action On Critical Habitat for North Pacific Right Whales**

In October 2000, the Center for Biological Diversity, a nonprofit organization based in Tucson, Arizona, submitted a petition to NOAA Fisheries requesting that critical habitat be designated for right whales in the North Pacific. In February 2002, NOAA Fisheries denied the petition, finding that while the designation of critical habitat may be prudent, it cannot be designated at this time because the essential biological requirements of the population are not sufficiently understood. The agency committed to analyze issues raised in the petition and to conduct research and surveys on the Pacific right whale (see *Right Whale News* 10(2):9).

On May 12, the Center for Biological Diversity submitted a request to the Department of Commerce and NOAA Fisheries that they "immediately embark on the designation of critical habitat for the right whale in the North Pacific and commit to a firm schedule for completing the designation process promptly." If such action is not taken within the next 60 days, the Center intends to pursue litigation over this matter.

In a news release accompanying the 60-day notice, the Center claimed that none of the actions, including the preparation of draft and final recovery plans for the species, had been completed, nor had satellite tagging studies been initiated. Aerial survey efforts were halted in 2003. The Center noted that the species' habitat remains unprotected and "most egregiously, the limited amount of funding that was dedicated to look for the species has been spent elsewhere." For additional information on the Center for Biological Diversity, the petition and the news release, see [www.biologicaldiversity.org](http://www.biologicaldiversity.org)

## **Young Whales Flirt with Their Future**

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For female southern right whales (*Eubalaena australis*), getting the best mate takes practice, according to recently published Earthwatch-supported research findings. Earthwatch teams working with Dr. Peter Best, Senior Research Officer of the Mammal

Research Institute, University of Pretoria, studied whale reproductive behavior in South African coastal waters for three years in an effort to improve their conservation.

In a recent issue of the journal *Behaviour* (see Scientific Literature, page 15, for citation), Best and colleagues report on the possible function of "surface active groups," social groups characterized by male whales focusing on a central female, apparently associated with courtship and mating. They found that all of the focal females identified were immature. Some females were as young as two years old, although females of this species typically calve for the first time at age seven or eight. The scientists found that no conceptions resulted from the groupings.

"Other people have physically described mating behavior in right whales," said Best, principal investigator of the Earthwatch-supported Whales of South Africa project. "This is the first time the nature of surface active groups, and the consequences of being a focal female, have been examined in detail during what is believed to be the breeding season for southern right whales."

The courtship behavior observed raises the distinct possibility that immature females "practice" attracting mates in preparation for their future mating strategy. Female southern right whales only reproduce every three years or more, each time producing only one calf, so male competition for mates stands to be intense. Females may attract and choose larger males because size at birth is linked to calf survival.

"It is hard to draw conclusions when so little is still known about the right whale's mating system," said Best. "But at face value, the observations do suggest that 'experimentation' may be important in the development of mating strategies for animals, such as southern right whales, with such low reproductive rates."

The findings were the result of a three-year research program supported by Earthwatch in the late 1990s, which included both photo-identification and genetic sampling of social groups to southern right whales in South African coastal waters. Earthwatch teams helped spot hundreds of whales, record data, sketch distinctive features of the whales, and process biopsies for DNA analysis.

"Without the help of Earthwatch volunteers we could not have achieved the levels of sampling that we did," said Best, "getting biopsies from up to 20 animals a day, for a total of some 640 animals sampled." Further analysis will lead to findings on paternity of calves, male mating success, and details on the mating strategy of southern right whales, still to be published.

Best's research is an important link to future conservation of right whale populations. While southern right whales have staged a steady recovery since large-scale whaling ended, North Atlantic right whales (*E. glacialis*) are on the brink of extinction, possibly due to reproductive failure. A successful recovery will require basic information on right whale reproductive behavior, such as the findings of Best's Earthwatch teams off the coast of South Africa.

Earthwatch Institute is an international nonprofit organization which supports scientific field research worldwide by offering members of the public unique opportunities to work alongside leading field scientists and researchers. The Institute's mission is to engage people worldwide in scientific field research and education to promote the understanding and action necessary for a sustainable environment.

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- Johnson, L. S. 2004. Coastal state regulation of international shipping. Oceana Publications, Inc., Dobbs Ferry, NY. 214 pp. This book examines the question of what

rights countries and states enjoy to determine what, when and how much moves through their territorial waters. One of three specific examples illustrating the points raised in the discussion involves ship strikes of North Atlantic right whales. For information, call 914-693-8100 or consult the web site: [www.oceanalaw.com](http://www.oceanalaw.com)

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## **Calendar of Events**

May 30: Deadline for public comment on the Canadian Government's proposal to add the North Atlantic right whale to the Species at Risk list (see article, page 11).

September 1: Deadline for submitting proposals for fishing gear mini-grants. For further information, contact Dr. Sal Testaverde at NOAA Fisheries (978-281-9328, ext. 6502 or [Salvatore.testaverde@noaa.gov](mailto:Salvatore.testaverde@noaa.gov)) or Michelle Pico at the National Fish and Wildlife Foundation (202-857-0166 or [pico@nfwf.org](mailto:pico@nfwf.org))

October 13-14: Tentative dates for the fall meeting of the Southeast U.S. Right Whale Recovery Plan Implementation Team. Location to be determined. For further information, contact Jamison Smith, SEIT chair, Florida Wildlife Research Institute, 6134 Authority Ave., Jacksonville, FL 32221. Tel 904-573-4910. E-mail: [Jamison.Smith@fwc.state.fl.us](mailto:Jamison.Smith@fwc.state.fl.us)

November 3-4: Annual meeting of the North Atlantic Right Whale Consortium, New Bedford Whaling Museum, New Bedford, Massachusetts. For further information, contact Marilyn Marx, consortium secretary, at 617-973-6584 or [mmarx@neaq.org](mailto:mmarx@neaq.org)

February 6, 2005: Super Bowl XXXIX, Jacksonville, Florida. Activities prior to, during and after the game, including cruise ship arrivals and departures and air shows, may impact right whale surveys in the critical habitat area offshore.

December 11-16, 2005: 16<sup>th</sup> Biennial Conference on the Biology of Marine Mammals, San Diego, California. Sponsored by the Society for Marine Mammalogy. For more information, visit the Society's web site: <http://www.marinemammalogy.org/>



## ***Right Whale News***

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