RIGHT WHALE NEWS

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An Additional Calf for 2014: Calf Number 11

Sometimes, the right whale calves reported from what is generally regarded as the major calving ground in the Southeast US (SEUS) account for all the calves born that year. However, that number is occasionally increased based on reports from other times and places. Sightings may have been missed due to limited survey effort, or, because those whales were outside of typical habitats or survey zones. Whatever the reason, a post-season increase is welcome—particularly when the calf production has been low.

Allison Henry, a Fishery Biologist with NMFS Northeast Fisheries Science Center (NEFSC), shares her description of the sighting of an additional calf for 2014:

"After a lack of right whale sightings in the Great South Channel for the last few years, 8 May 2014 seemed to be the day the whales came 'back'! The weather conditions were perfect and there were so many whales we had to land, refuel, and head back out to make sure we photographed as many as we could while it was still light. Despite that, we still ran out of light and time! It doesn't get much better than flying in late afternoon light over flat calm waters with 60+ right whales skim feeding everywhere you look—unless you add in two mother and calf pairs... and notice that one of them is not one you recognize from the list of known mothers for the year! Luckily, Female #1240, *Baldy*, has such a distinctive callosity pattern, that we had a strong hunch it was her before we even landed and sent the photos to the New England Aquarium for confirmation. This is not the first time the NEFSC survey team has seen a mom of the year that was not seen in the SEUS. Though it doesn't happen often, it's an extra thrill to know that our effort has helped add one more whale to a slowly growing list. That's why all the aerial survey teams fly, and for all the sad and frustrating things we see, such as entanglements or carcasses, these sightings of new calves are a huge boost to morale."

Some mystery remains. Philip Hamilton, New England Aquarium, describes that, based on the photographs, it is unknown when and where the birth occurred.

However, much is known about the mother. *Baldy* is one of the older catalogued whales. She was first sighted on 12 April 1974— just over 40 years ago! Given the mean age of a female's first calving is 10 years and she had a calf in 1974, she could be 50 years old at the very least (we have no record of her prior to 1974, so we don't know how old she actually is). She is also a great-grandmother, and this 2014 calf is her 9th known calf!

Cape Cod Bay Report: Ramping Up

Right whale sightings in Cape Cod Bay and adjacent waters continue to ramp up. In 2014 there were 253 individuals reported. For comparison, in 2012-13, there were 241; and in January through May 2012, there were 211. The past season also highlighted another recent trend, the lengthening of the seasonal appearance of right whales within the bay. There were confirmed reports of right whale presence in the bay starting in late November 2013. However, the late April departure of right whales from in the bay in 2014 was more typical of the timing of seasonal departure observed during the last decade.

Source: Reports by Corey Accardo and Stormy Mayo, Center for Coastal Studies, and Amy Knowlton, New England Aquarium

Shearwater Strikes Whale

On 9 April 2014, the Center for Coastal Studies research vessel, *Shearwater*, was involved in a strike on a right whale. Stormy Mayo describes that, "the vessel was traveling at about 9 knots on a plankton-sampling transect in 'perfect conditions.' An aggregation of about 5 whales was at some distance away. The whale came up beneath us. There was a small amount of blood, and some cuts on the lower left flank. The whale swam off, and we were unable to relocate it." The whale has been categorized as an adult, but remains unidentified at present. The event took place at about 13:00 hr in south-central Cape Cod Bay, Massachusetts.

Ocean Wind Energy

Ocean wind energy projects are continuing at various stages along much of the East Coast.

On 17 June 2014, Secretary of the Interior Sally Jewell and Bureau of Ocean Energy Management (BOEM) Acting Director Walter Cruickshank joined Massachusetts Governor Deval Patrick to announce that more than 742,000 acres offshore of Massachusetts will be available for commercial wind-energy leasing. The proposed Massachusetts Wind Energy Area is the largest in federal waters and will nearly double the federal offshore acreage available for commercial-scale wind-energy projects.

For further information including the Proposed Sale Notice, the revised Environmental Assessment, and the Finding of No Significant Impact (FONSI), go to: http://www.boem.gov/Commercial-Wind-Leasing-Offshore-Massachusetts/.



Massachusetts Call Area

The proposed lease sale area for the Massachusetts Wind Energy Area. (Source: BOEM)

South of Rhode Island, Deepwater Wind is planning for the initial stages of construction on the 30-megawatt Block Island Wind Farm, located about three miles off the coast of Block Island. This five-turbine project is described as a demonstration project perhaps preceding a larger 200-turbine project approximately 17 miles offshore. The project remains on target to be the nation's first offshore wind farm, and is expected to be in operation in 2016.



Location of proposed Block Island wind farm, with the proposed five turbines, and showing the transmission lines.(Source: MassCEC)

On 7 May 2014, the Department of Energy announced three innovative offshore wind energy projects to receive \$47 million each over the next four years. Located off New Jersey, Virginia, and Oregon, these projects will deploy innovative, grid-connected systems in federal and state waters by 2017.

- Fishermen's Energy will utilize a twisted jacket foundation, a less expensive offshore wind foundation, and install five 5-megawatt direct-drive wind turbines three miles off the coast of Atlantic City, New Jersey.
- Dominion Virginia Power will also use twisted jacket foundations in their two 6megawatt direct-drive wind turbine facility to be installed 26 miles off the coast of Virginia Beach, Virginia.
- Principle Power will utilize semi-submersible floating foundations in waters over 1,000 feet deep to demonstrate a cost-effective method for deep water wind turbine projects. Their five 6-megawatt direct-drive wind turbines will be installed off the coast of Coos Bay, Oregon.

Farther to the south, a proposal to lease three blocks 3 to 12 nautical miles off Tybee Island, Georgia, has resulted in an agreement to install a meteorological tower and/or other monitoring and assessment/survey devices. The proposed action is to assess the feasibility of developing renewable energy resources on the OCS offshore of Georgia. Further information is available at www.boem.gov/2014-017.



Location of proposed Tybee Island wind energy area. (Source: BOEM)

Mass-RI Wind Area Surveys Extended

Contributed by Bob Kenney, University of Rhode Island

The Massachusetts Clean Energy Center has extended the aerial surveys south of Massachusetts and Rhode Island for a third round of funding. The surveys are being conducted by the Northeast Large Pelagics Survey Collaborative—New England Aquarium, Center for Coastal Studies, and University of Rhode Island, with a passive-acoustic component by Cornell University. The first round included 24 surveys between October 2011 and September 2012. The contract report can be accessed at http://www.masscec.com/content/field-studies-whales-and-sea-turtles-offshorealternative-energy-planning. Round 2 included 24 additional surveys from October 2012 to February 2014, with the survey area expanded to the northwest to incorporate both the Massachuesetts and the Rhode Island Wind Energy Areas established by the Bureau of Ocean Energy Management. A draft report has been submitted to MassCEC but is not yet finalized. Round 3 surveys began in March, with the 15th one completed on 18 September. (See also the Taylor *et al.* publication listed in the Scientific Literature section on p. 13.)

Atlantic G&G Surveys Update

The Bureau of Ocean Energy Management (BOEM), in cooperation with NOAA's National Marine Fisheries Service, and under the National Environmental Policy Act, released a final Programmatic Environmental Impact Statement (PEIS) in February 2014 that evaluated potential environmental effects of proposed geological and geophysical (G&G) survey activities on the Mid- and South Atlantic Outer Continental Shelf. The PEIS covers an area that extends from the Delaware Bay to just south of Cape Canaveral and from the inner edge of federal waters to 403 miles offshore. In the ensuing process, a Record of Decision was issued by BOEM in July 2014 where an alternative was selected that provides the highest practicable level of mitigation measures proposed for airgun acoustic sources and the most reasonable level of mitigation measures for non-airgun sources. As the BOEM Fact Sheet (at www.boem.gov) describes, the decision to authorize G&G activities does not authorize leasing for oil and gas exploration and development in the Atlantic. Those decisions will be addressed through future planning and program development.

There are diverse views on this topic. In response, William Y. Brown, Chief Environmental Office for BOEM, has provided a letter and answers to frequently-asked-questions in the 22 August 2014 issue of BOEM Science Notes (also at www.boem.gov).

Right Whale Spending Report from NMFS

In recent years, *Right Whale News* has requested and received information on the NMFS right whale spending plan. The most recent report was for FY2012, and was published in *Right Whale News*, October 2012. There was a lengthy delay in obtaining information for FY2013. On 2 July 2014, a much-reduced set of information was received from the NMFS Office of Protected Resources, Silver Spring, Maryland.

NMFS spent \$8.7 million in FY 2013 and will spend \$8.4 million in FY 2014 on North Atlantic right whale recovery. Of these totals, approximately \$6.7 million in FY 2013 and \$6.8 million in FY 2014 was used to:

- reduce ship strikes;
- reduce right whale entanglement in fishing gear;
- monitor and assess populations through activities such as aircraft and vessel surveys, passive acoustic detection and analysis; and

• maintain the sightings database and photo-identification catalog.

The remaining funds (\$1.5 million in FY 2013 and \$1.5 million in FY 2014) were awarded to the states through cooperative grants for additional aerial surveys, habitat research, entanglement reduction efforts, disentanglement, recovery implementation, and enforcement (*e.g.*, Joint Enforcement Agreements).

Updates from NMFS Permits and Conservation Division

Contributed by Tammy Adams, NMFS, Silver Spring, Maryland

The Permits and Conservation Division in the NMFS Office of Protected Resources frequently reviews its process to ensure that we are making the most of our resources and providing the best public service.

<u>One example of a recent process change:</u> Over a period of nearly 10 years, NMFS developed hundreds of detailed analyses of potential impacts of permit issuance on the environment through "environmental assessments." Environmental assessments, or EAs, are analysis documents prepared in compliance with the National Environmental Policy Act, or NEPA. The NEPA requires federal agencies to evaluate potential impacts of their actions on the "human environment" which includes physical, biological, social, and economic resources. Developing EAs requires a substantial investment of time and agency resources, which in turn impacts the permit process timeline. In 2013, the Permits and Conservation Division prepared a summary of these EA analyses, which supported using a categorical exclusion, or CE, for issuance of new permits for research activities that were previously evaluated. This change in the type of NEPA analysis has shortened the average permit process time by more than a month.

More process improvements in the works: The Permits and Conservation Division is also working with another division within the Office of Protected Resources to develop "programmatic" biological opinions for permits affecting species listed as threatened or endangered under the Endangered Species Act. By regulation, the process that results in a biological opinion, known as a "Section 7 consultation," can take 135 days or longer. As with the EAs for NEPA, developing biological opinions for individual permits one-by-one takes a substantial amount of agency resources and time, which impacts the permit process timeline. A programmatic opinion would effectively create an "HOV lane" for permit applicants who propose techniques and projects that were evaluated by that opinion. An individual biological opinion would not be required and the total permit process time would be reduced by several months. We are in the early planning stages, which include determining how to group the consultations by taxonomic groups (e.g., whales, sea turtles, pinnipeds, sturgeon). As we get further along in development of the analysis, we will seek input from the permitted research community.

Do Marine Mammal Take Reduction Plans Reduce Bycatch?

Contributed by Sara McDonald, Duke University, Durham, North Carolina

The answer is—it depends. And, North Atlantic right whales fall into the not-successful category.

We used data from marine mammal Stock Assessment Reports to assess and rank the success of five marine mammal Take Reduction Plans (Harbor Porpoise, Bottlenose Dolphin, Atlantic Large Whale, Pelagic Longline, and Pacific Offshore Cetacean) in mitigating the bycatch of 17 marine mammal stocks. Our ranking formula compared bycatch rates to the MMPA mandates for Potential Biological Removal (PBR) and Zero Mortality Rate Goal (ZMRG). Success of this negotiated rulemaking process varied dramatically. Unfortunately, the Atlantic Large Whale Plan fared the worst, and includes the two lowest-ranking stocks—the Western North Atlantic right whale and Gulf of Maine humpback whale (see figure next page).

The unsuccessful Atlantic Large Whale Take Reduction Plan was created by a large, unwieldy team with more than 80 members (including alternates) tasked with mitigating bycatch of small stocks with extremely low PBR estimates, and crafting regulations that were difficult to enforce.



Ranks for Metric 2 of 17 marine mammal stocks managed by Take Reduction Plans. Red (<0) = high bycatch (>PBR) yellow (0–0.89) = moderate bycatch (>ZMRG and <PBR), and green (\geq 0.9) = low bycatch (\leq ZMRG).

Background on Take Reduction Teams

Part of the sweeping 1994 amendments to the MMPA included the creation of a PBR formula that estimates the maximum allowable number of animals that can be removed from a stock by human-related causes without causing depletion or impeding recovery If bycatch of a stock exceeds PBR, the stock is deemed "strategic" (16 U.S.C. 1361[19]). If a "strategic" stock interacts with a Category I fishery (frequent incidental marine mammal mortality or serious injury); or a Category II fishery (occasional incidental mortality or serious injury), the National Marine Fisheries Service is required to form a Take Reduction Team that is a multi-stakeholder group of fishermen, researchers, environmentalists, and state and federal managers (16 U.S.C. 1387[f][6][A][i]).

Each team must create a consensus-based suite of regulations called a Take Reduction Plan (16 U.S.C. 1387(f)(7)(A)(ii)). The immediate goal of each plan is to reduce bycatch to below PBR within the first six months of implementation (16 U.S.C. 1387(f)(2)). The long-term goal is to reduce bycatch to levels approaching a zero mortality and serious injury rate, termed a "zero mortality rate goal" (ZMRG), which is defined as 10% of PBR (50 CFR §229).

The Atlantic Large Whale Take Reduction Team, which was formed in August 1996, is tasked with mitigating bycatch of Western North Atlantic right and fin whales and the Gulf of Maine humpback whales, and has 82 members and alternates. The Atlantic Large Whale Take Reduction Plan has spawned five lawsuits and Congressional intervention and focuses on bycatch from very small, endangered stocks that have very low PBR values. Perhaps as a result, the team has produced myriad, convoluted amendments to the plan (28 as of this writing) that, so far, have been unsuccessful in meeting statutory goals.

The most recent amendment, aimed at reducing the number of vertical lines in the water, was posted on 27 June 2014 (*Federal Register* 79(124): 36586-36621), and requires an increase in the minimum number of traps per trawl for New England, as well as additional measures for the three Atlantic regions. According to the *Cape Cod Times*, 28 July 2014, the trap limit, reporting requirements, area exemptions, gear marking, and underlying analyses remain contentious.

A manuscript of this study is currently in review in *Ocean and Coastal Management* Marine mammal stock assessment reports can be found at http://www.nmfs.noaa.gov/pr/sars/ For information about marine mammal Take Reduction Teams see http://www.nmfs.noaa.gov/pr/interactions/trt/teams.htm The Atlantic Large Whale Take Reduction Team website is http://www.nero.noaa.gov/Protected/whaletrp/

Navy Littoral Support Facility in Jacksonville

Naval Facilities Engineering Command (NAVFAC) Southeast has begun work on a Littoral Combat Ship (LCS) Logistics Support Facility (LSF) at Naval Station Mayport, Florida. A new building will serve as a logistics support facility for the LCS Squadron and other organizations that support the LCS. The ships are scheduled to arrive at Naval Station Mayport in 2016.



An example of the Freedom-variant Littoral Combat Ship (LCS). Six LCS's are slated to be home-ported at Naval Station Mayport.

Short Notes

The Spring 2014 issue of the Navy's Living Marine Resources (LMR) News is available at www.lmr.navy.mil.

From the Marine Mammal Commission: The Marine Mammal Science and Conservation Priorities for the National Marine Fisheries Service report, July 2014, has been posted at www.mmc.gov. In addition, the Commission's Strategic Plan 2015-19, the Summary of the 2014 Annual Meeting, and the 2013 Annual Report are posted.

First Annual Southern New England Right Whale Festival

Contributed by Bill McWeeney, Adams School, Castine, Maine; and Marianna Hagbloom, New England Aquarium, Boston, Massachusetts

On 4 May 2014, the New England Aquarium hosted the First Annual Southern New England Right Whale Festival. Proposed at the 2013 Right Whale Consortium by 8th grade Calvineer Drake Janes from Adams School in Castine, Maine, 18 organizations participated by offering the public information about their research and advocacy. The event was considered a success, with approximately 1,200 attendees passing through the festival tent! The festival celebrated the current work being done to save North Atlantic right whales from extinction. Many scientists and researchers were present to explain their roles in protecting right whales, ranging from acoustics to zooplankton to entanglements and ship-strike mitigation. Survey and research techniques were demonstrated, and there were two life-sized inflatable right whales on the premises. The New Bedford Whaling Museum was present with their hands-on activities, one of which allowed participants to experience the complications of entanglement.

The event was co-sponsored by the New England Aquarium and the Adams School Calvineers. The Calvineers are an award-winning group of 7th and 8th graders who attend right whale conferences and translate their knowledge into PowerPoint presentations that they give to school and community groups. The Calvineers' mission is "Endangered Species Recovery through Education." Thousands of people have heard the Calvineers' message over the past 10 years.

The hope is that there will be a Second Southern New England Right Whale Festival. A date has not been set, but upcoming information will be posted.

Book Review

Jim Hain

Horwitz, Joshua. 2014. War of the Whales: A True Story. Simon & Schuster, New York. 425 pp.

Many are familiar with the general outlines of this story. On 15 March 2000, Ken Balcomb and Diane Claridge documented a mass stranding of beaked whales in the Bahamas. The event came to be correlated with sonar employed during a Navy training exercise. In the following days, weeks, and years, the multi-dimensioned story, well-told by author Joshua Horwitz, unfolds to describe the involvement of many familiar names in the marine mammal and advocacy communities. The dimensions include other stranding events on a global scale, courtrooms, federal agencies, the Congress, the White House, and ultimately, the Supreme Court. The pros and cons and the extended back-and-forth are layered in with the personal lives of the key players. I, for one, either forgot about or never knew many parts of this wide-ranging and complex story. Horwitz describes that he took seven years to write the book. The result is a well-written and fascinating glimpse into an important chapter in the interaction between humans and marine mammals. Put this one at the top of your must-read list.

People and Changes

Dr. Richard (Rick) Spinrad has been named Chief Scientist of the National Oceanic and Atmospheric Administration (NOAA). Dr. Spinrad has 35 years of experience in marine science, policy, and operations. He is currently Vice President of Research at Oregon State University.

Bob Gisiner has retired as the head of the Navy's Living Marine Resources (LMR) Program. He is replaced by Mr. Anu Kumar.

Mike Payne has retired as the head of the NMFS Permits Division. The new Division Chief is Jolie Harrison.

Calendar

23-24 October 2014. Meetings of the SEUS Right Whale Forum and Implementation Team. Guana-Tolomoto-Matanzas Building, 505 Guana River Road, Ponte Vedra, Florida. Contact tom.pitchford@myfwc.org for further information.

5-6 November 2014. North Atlantic Right Whale Consortium Annual Conference, New Bedford Whaling Museum, New Bedford, Massachusetts. See www.narwc.org for further information.

15 November 2014. Right Whale Festival, Sea Walk Pavilion, Jacksonville Beach, Florida. See www.rightwhalefestival.com for further information.

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Right Whale News

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To submit ideas, article topics, and comments, contact Editor Jim Hain at jhain@earthlink.net and place "RWN Editorial" in the subject line. To subscribe, please use the new "Mail Chimp" system at: <u>http://eepurl.com/JvmKf</u>. The link is also available via the *Right Whale News* tab on www.narwc.org.

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