

RIGHT WHALE NEWS

*An independent forum for right whale conservation and recovery,
published four times a year in February, May, August, and November*

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Right Whale Consortium Expresses Concern

In the summer of 2011, the traditional role of the North Atlantic Right Whale Consortium changed. The Consortium, formed in 1986, consists of about 30 non-governmental and governmental organizations that include about 200 individuals in the United States and Canada who work to study and conserve North Atlantic right whales. For more than two decades, the Consortium has served to enhance coordination and information exchange among researchers and managers, and to provide information to the public on right whale research and conservation. The Consortium has not taken advocacy or political positions. This changed when growing concerns resulted in Consortium president, Douglas Nowacek, on behalf of the Consortium Board, submitting a letter of concern to Dr. Jane Lubchenco, the head of NOAA. The letter is included in its entirety below, followed by excerpts from the National Marine Fisheries Service response, and the “next-steps” perspective from Consortium President, Douglas Nowacek. (Editor)



A Statement of Concern for North Atlantic Right Whales and Associated Biota

1 July 2011

Dr. Jane Lubchenco

Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator

Dear Dr. Lubchenco,

We applaud the NOAA/NMFS commitment to science-based management, transparency, accountability, and inclusive stakeholder involvement. To this end, we raise the following concerns and submit several suggestions for a proactive science program, which should have the dual benefits of saving resources in the future and, more importantly, refine and improve the management and recovery of the North

Atlantic right whale. Efforts on behalf of right whales within and outside of NOAA/NMFS have waned significantly in recent years.

The endangered North Atlantic right whale is one of the most cosmopolitan and charismatic species that inhabits the U.S. east coast, and though their population of around 400 animals appears to be slowly increasing they still face significant threats, primarily from ship strikes and fishery-related entanglement. Due to the nature of these specific threats, progress made for right whales will have positive conservation benefits for other species along the east coast, *e.g.*, sea turtles, humpback whales, and manatees. Furthermore, regulations governing major industries along the east coast such as shipping, fishing and the burgeoning offshore energy sector both affect and are affected by the status, recovery and threats to right whales. Simply stated, right whales are at the center of the social-ecological system along the east coast where many Americans live.

Current regulations and activities that pertain to, or were instituted directly for, right whales illustrate what we have just described.

- 1) *Ship-speed regulations*: The Bush Administration implemented speed reduction regulations around major ports along the east coast to reduce vessel collision risk, and these regulations are scheduled to sunset unless they can be deemed 'effective'. These regulations affect both the whales and the shipping industry, and it is vital that the agency act in a timely manner to complete assessments of any risk reduction achieved by the rule and the compliance with its mandates.
- 2) *Offshore energy and aquaculture*: There is an apparent lack of marine spatial planning for offshore energy and aquaculture. Although some surveys are planned to assess abundance and distribution of cetaceans, a comprehensive assessment of potential impacts on the whales that would result from these activities is not currently being undertaken. Further, our attendance at the BOEMRE briefings on offshore energy indicate that these concerns are not on that agency's agenda. Given the responsibility of NOAA/NMFS for the conservation and recovery of endangered marine species, the rush to develop energy and aquaculture in the open ocean should be subject to a robust and comprehensive agency review.
- 3) *Entanglements*: We are pleased that NOAA/NMFS is in the process of developing rules to reduce the probability of fatal entanglements in fishing gear for all large endangered whales. However, there is still no plan for comprehensive monitoring of its effectiveness, and many facets of the plan have wide degrees of uncertainty. The GAO Report of 2008 still holds true, "NMFS has taken some steps to define goals, monitor compliance, and assess whether the goals have been met, but shortcomings in its approach and limitations in its performance data weaken its ability to assess the success of its take reduction regulations." (GAO-09-78 December 8, 2008)
- 4) *Funding*: Funding for research has steadily diminished or been subsumed into internal NMFS programs over the past 10 years. Because most of the major scientific advances on large whale conservation originated in the private, non-profit and academic communities, expertise that formerly contributed to the advancement of large whale conservation and management has dwindled. We recognize that NOAA has discretion over the development of the NMFS budget, however, the diminishing support for external research is damaging to

the agency's recovery efforts. In this regard, comments within the Marine Mammal Commission's program review of NMFS right whale activities (MMC, 2007) remain valid: "Any major change in how... data are collected and managed could have serious implications for population monitoring and, in turn, the ability to assess the effectiveness of recovery efforts." (p 54) "Therefore, any reduction in the overall federal commitment to right whale protection will mean that some high-priority work is not carried out. This in turn is likely to increase the risk that recovery of this population will never be achieved."

To address the need for both monitoring the status of the right whale population and for assessing the effectiveness of protective measures, NOAA/NMFS needs to allocate more resources. Resources for marine mammal research have been waning and funding in general is clearly in short supply. However, resources committed to right whale efforts will also benefit other species, will proactively ensure long-term species recovery, and give NOAA/NMFS firmer footing to address the relevant human concerns.

We recommend a revised plan for research and management that is proactive with the dual benefits of conserving right whales and saving resources downstream. To prepare such a plan, the North Atlantic Right Whale Consortium stands ready to assist, and to initiate such an effort we would like to request a meeting with you. The Consortium consists of right whale biologists, engineers, policy scientists and social scientists and possesses diverse expertise. We have identified several areas where we could work with NOAA/NMFS to advance right whale research and conservation, from permitting to promoting innovative solutions to the function (or lack thereof) of the recovery plan and associated implementation teams. Instead of trying to encapsulate all of these issues in a single letter, we would prefer to meet for an hour, discuss the issues, and develop a plan of action.

Thank you for your attention to this matter, we look forward to hearing from you.

On behalf of the Right Whale Consortium,

Very best regards,

Douglas P. Nowacek, Ph.D
Chair, North Atlantic Right Whale Consortium
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CC:

Eric Schwaab, Assistant Administrator for Fisheries, NOAA
Jim Lecky, Director, Office of Protected Resources, NOAA
Richard Merrick, Chief, Resource Assessment and Evaluation, NOAA

Mark Begich, Chairman, Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, U.S. Senate
Committee on Commerce, Science and Transportation
John C. Fleming, Chairman, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, U.S. House
of Representatives, Committee on Natural Resources
Administrator of the Maritime Administration, U.S. Department of Commerce
Daryl Boness, Chair, U.S. Marine Mammal Commission
Tim Ragen, Executive Director, U.S. Marine Mammal Commission
U.S. Senators and Representatives from Atlantic Coastal States

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On 9 September 2011, a response letter was received from Eric C. Schwaab, Assistant Administrator for Fisheries. The letter addressed the main areas of concern. Specific to the Funding for Research topic, Mr. Schwaab wrote, “I appreciate your concern regarding federal funding of right whale research and conservation efforts. In these difficult financial times, which include budget cuts and possible changes in priorities, NMFS is taking its priority setting very seriously, and we are doing all we can to ensure that large whale conservation activities are being fully addressed.”

On 3 October 2011, Consortium President Douglas Nowacek described the “next steps.” The response letter will be forwarded to the Consortium Board, and the overall status and issues will be presented to the Consortium at large during the 2-3 November 2011 annual meeting. At that time, further discussion with the Board will occur. A meeting with NMFS administrator Eric Schwaab is envisioned for after the first of the year. Lastly, a full day devoted to right whales, to include the topics raised, is scheduled for the Atlantic Scientific Review Group meeting in Sarasota, Florida, in February.

Bay of Fundy 2011 Field Season Summary

Contributed by Amy Knowlton, New England Aquarium

The New England Aquarium’s 32nd field season in the Bay of Fundy has ended. The team has been based in Lubec, Maine, since August 3rd and had their last day at sea on September 27th. Despite fairly uncooperative weather and not as many days at sea as we would like, we have documented at least 110 individuals. Photo-analysis is not yet complete so that number will increase, perhaps by another 30-40 individuals. This is considerably more animals than last year (the 2010 season), which only numbered 62 individuals. For comparison, the average number of individuals for the five-year period, 2005 through 2009, was 164 with a range of 112 to 188.

Looking back to last year, the 2010 BOF season was notable because of the low numbers of right whales and the resident sperm whales (at least 6 individuals) which, prior to last year, had only been seen on one day in the 1990's during our three decades of surveys in the Bay. During the first part of our 2011 season, the sperm whales were back once again and we were concerned that right whale numbers would again be low. After seeing sperm whales through August and early September, we didn't see any sperm whales during mid-September, and right whale numbers began to increase. We were hopeful that with the apparent departure of sperm whales, the Bay would stay more active. It didn't quite pan out that way, as on what we thought would be our last survey on September 26th, we found three sperm whales in the Grand Manan Basin area and only two right whales! Just one week prior we had seen over 60 right whales in that same area. However, we learned via whale-watching boats in the area that the right whales had shifted to the north and had been seen by the Wolves, a group of islands about seven miles east of Campobello Island. With two research vessels working that area, we were able to document many right whales at the end of that day. In retrospect, we don't exactly know what is bringing sperm whales to the Bay or why their presence seems to keep right whales away, but there does seem to be a connection.

For the 2011 season, we documented 11 of the 21 calves known to have been born in 2011. And, on September 26th, one new mother-calf pair was added to the tally. This was the first sighting of female #1802 (*Legato*) and calf (her third). The location of the birth is unknown, but we speculate that because of poor weather and a reduced survey effort, this pair may have been missed during surveys in the SEUS. In addition, we had numerous surface-active-groups (SAGs) especially in later September. One of our concerns this year is that many of the animals are not looking in great condition. There is notable evidence of graying skin, skin lesions, and thinness for some animals. This is reminiscent of the late 1990s, when we also noted the animals looking in poor health. This coincided with low calf numbers for about four years (1997-2000) with only one calf documented in 2000. We don't know if the population is once again heading in this direction of low calving—time will tell.

There were two entanglement reports this season. Upon reviewing images from our last survey on September 26th, we discovered that one of the whales seen, #3302, an 8-year-old male, was entangled with a single black (and hard-to-see) rope crossing over its head. Therefore we changed our end-of-season plans and, in collaboration with disentanglement experts Mackie Green from the Campobello Whale Rescue Team (CWRT) and Chris Slay from Coastwise Consulting, we mounted a dedicated effort with four vessels to search for and hopefully disentangle this animal. Unfortunately, despite this extensive effort this entangled whale was not found. What was found was a second entangled animal, #3111, a 10-year-old male! It was in poor condition with multiple ropes entangling the left flipper and trailing over the body. Mackie and Chris were nearby, and along with Monica Zani from the New England Aquarium team, they were able to respond and conduct a partial disentanglement. It is not clear whether any rope

remains on this animal's left flipper but the animal's behavior seemed stronger after these efforts. We are hoping that some gear was cut and that what was on the flipper was able to come free. But until that animal is seen again, we don't know its prognosis.

Overall, the 2011 Bay of Fundy season effort resulted in a decent numbers of right whale sightings despite the challenging weather conditions (mostly fog), the documentation of two new entanglement cases, and a sighting of a new mother-calf pair for the year. For more details of our day-to day-activities, visit our blog at <http://rightwhales.neaq.org/>.

Agency Reports Crew Not at Fault in Right Whale Collision

Source: Associated Press, 18 July 2011

On Sunday, 19 April 2009, the 50-foot NOAA research vessel, *Auk*, struck a right whale west of the Stellwagen Bank National Marine Sanctuary, off the coast of Massachusetts (*Right Whale News*, April 2009). An investigation has found that the crew of the vessel was not at fault when the vessel struck the whale. The report describes that the crew "exercised due care" before and after the accident. The NOAA investigation found that the vessel's whale observers could not have been expected to spot the whale's sudden appearance in its path until it was too close to avoid a collision. The agency said the vessel subsequently followed the whale, which had wounds on its tail fluke, for 20 minutes before it dived.

New Website Address for North Atlantic Right Whale Consortium

The domain name for the North Atlantic Right Whale Consortium website has changed. The new site is www.narwc.org. This website is where current and back issues of *Right Whale News* are located. Please update your bookmarks and links.

2010 Stock Assessment Reports Posted

NOAA Fisheries has released the final versions of the 2010 Marine Mammal Stock Assessment Reports (SARs). These are available online at: www.nmfs.noaa.gov/pr/sars. Individual species (e.g., N.A. right whale) can be downloaded separately. In addition, the draft 2011 SARs have been released for public review and comment (available at the same web page, along with a link to the *Federal Register* notice). Comments are due by 22 November.

FY11 Right Whale Spending Plan Summary ¹

The practice in recent years has been for the May issue of *Right Whale News* to report the NMFS right whale spending plan for the current fiscal year. This delayed report is based on the Congressional resolution for the FY11 funds and is provided with the assistance of staff at the Office of Protected Resources, National Marine Fisheries Service, Silver Spring, Maryland.

Table 1. The NMFS/NOAA right whale spending plan for FY2011 funds. All dollar amounts are expressed in thousands (*i.e.*, the Total in row one is \$8,027,000). Key: NEC=Northeast Fisheries Science Center, NER=Northeast Region, SEC=Southeast Fisheries Science Center, SER=Southeast Region, F/PR=Office of Protected Resources, Headquarters level, and GC/CS=General Counsel.

	NEC	NER	SEC	SER	F/PR	NOAA GC/CS	Total
Total Received from NMFS	2,618	2,274	674	1,742	503	216	8,027
Right whale stranding response and necropsy	0	20	0	40	0	0	60
Disentanglement Contingency	0	30	0	40	0	0	70
Aerial surveys ² (non-state cooperative funded)	352	0	0	136	0	0	488
NMFS salaries ³ (Full time equivalents and contract)	1170	1,091	254	243	313	187	3,258
Shipping Industry Liaison, Fishery Liaison, Critical Habitat Technical Support (contracts)				116			116
Take Reduction Team support	0	150	0	0	0		150
State cooperative funding (including funds for aerial surveys, habitat research, disentanglement, recovery implementation, and enforcement)	0	750	0	1,088	0	0	1,838
Vessel strike reduction	0	0	0	7	181	0	188
Whale detection technologies	47	0	403	0	0	0	450
Sightings database/Photo-ID catalog	482	0	0	12	5	0	499
Travel and Misc. Administrative costs	567	233	17	60	4	29	910

Table notes:

1. Funds other than these also go to right whale research and conservation, but are not drawn from the “right whale” line item(s).
2. Aircraft fees and contract labor for surveys only
3. Includes salaries, benefits, awards and additional administrative cost.

As shown, 41% of the funds are directed to NMFS salaries (an increase of 3%) and 11% of funds are directed to NMFS travel and miscellaneous administrative costs.

Endangered Species Act Biennial Report Submitted to Congress

On 30 August, NOAA Fisheries released the Biennial Report to Congress on the Recovery Program for Threatened and Endangered Species. This report summarizes efforts to recover the 64 domestic species under NOAA Fisheries’ jurisdiction from 1 October 2008 to 30 September 2010. It includes accounts of each species, their status and current threats, the conservation actions undertaken during the last two years, and the priority recovery actions needed over the next two years. The North Atlantic right whale information is at pp. 179-182, and the North Pacific right whale information at pp. 183-186. The report is available at: www.nmfs.noaa.gov/pr/laws/esa/biennial.htm.

People and Changes

Dr. Peter Corkeron has been hired as the new Large Whale Team Lead, Northeast Fisheries Science Center, Woods Hole, Massachusetts. He began the position on 29 August. NOAA Assistant Administrator for Fisheries Eric Schwaab recently announced Dr. Richard Merrick as the new Chief Science Advisor for NOAA Fisheries. As the head of NOAA Fisheries’ scientific operations, Dr. Merrick will lead NOAA’s six regional Fisheries Science Centers, including 30 NOAA Fisheries laboratories and approximately 1,400 staff nationwide. With 26 years of experience with NOAA Fisheries, Dr. Merrick brings to his new position a critical understanding of NOAA Fisheries’ scientific resources. He will assume a prominent role in NOAA’s efforts to improve the stock assessment process, by integrating new technologies into our science efforts, evaluating and responding to ecosystem challenges and expanding ongoing efforts to build and enhance science partnerships. Dr. Merrick began his new position on 12 September.

Calendar

17 October 2011. SEUS Right Whale Forum, Samburu Room, Jacksonville Zoo and Gardens, Jacksonville, Florida, 9:00 a.m. to 4:00 p.m. For further information, contact Tom Pitchford, tom.pitchford@MyFWC.com.

18 October 2011. Southeast U.S. Right Whale Recovery Plan Implementation Team meeting. As in the two previous meetings, the meeting will be closed to the public. However, the SEIT has requested a recurring time slot on the Forum agenda during which they will make themselves available to Forum participants for information exchange. For further information, contact Barb Zoodsma, barb.zoodsma@noaa.gov.

2-3 November 2011. North Atlantic Right Whale Consortium Annual Meeting, New Bedford Whaling Museum, New Bedford, Massachusetts. See www.narwc.org for further information.

19 November 2011. Third Annual Right Whale Festival, Jacksonville Beach, Florida, Seawalk Pavilion, 10:00 a.m. to 4:00 p.m. For more information, see www.rightwhalefestival.org.

27 November-2 December 2011. 19th Biennial Conference on the Biology of Marine Mammals, Tampa Convention Center, Tampa, Florida. See www.marinemammalscience.org for further information.

8-12 February 2012. Atlantic Scientific Review Group meeting, Mote Marine Laboratory, Sarasota, Florida. For further information, contact Beth Josephson, NMFS liason (Elizabeth.Josephson@noaa.gov) or Andy Read, ASRG chairperson (aread@duke.edu).

24-27 April 2012. Florida Marine Mammal Health Conference IV, Mote Marine Laboratory, Sarasota, Florida. For information see: conference.ifas.ufl.edu/marinemammal/index.htm

Scientific Literature and Reports

Barr, B. 2011. Marine Mammal Protected Areas: What makes them special, and how their management can be advanced. *Marine Protected Areas News* 13(1):1. Available from: <http://depts.washington.edu/mpanews/MPA121.pdf>

Biggins, D.E., T.M. Livieri and S.W. Breck. 2011. Interface between black-footed ferret research and operational conservation. *Journal of Mammalogy* 92 (4):699-704. While not about right

whales, this introductory article to a Special Feature on the endangered black-footed ferret in the Journal offers insightful parallels to right whale research, the distribution of information, conservation and management.

Carroll, E., N. Patenaude, A. Alexander, D. Steel, R. Harcourt, S. Childerhouse, S. Smith, J. Bannister, R. Constantine and C.S. Baker. 2011. Population structure and individual movement of southern right whales around New Zealand and Australia. *Marine Ecology Progress Series* 432:257-268.

Churchill, M., A. Berta and T. Deméré. 2011. The systematics of right whales (Mysticeti: Balaenidae). *Marine Mammal Science*, Early View online, doi:10.1111/j.1748-7692.2011.00504.x

Foley, H.J., R.C. Holt, R.E. Hardee, P.B. Nilsson, K.A. Jackson, A.J. Read, D.A. Pabst and W.A. McLellan. 2011. Observations of a western North Atlantic right whale (*Eubalaena glacialis*) birth offshore of the protected southeast U.S. critical habitat. *Marine Mammal Science* 27(3):E234-E240.

Kimura, T. 2009. Review of the fossil balaenids from Japan with a re-description of *Eubalaena shinshuensis* (Mammalia, Cetacea, Mysticeti). *Quaderni del Museo di Storia Naturele di Livorno* 22:3-21.

Mate, B.R., P.B. Best, B.A. Lagerquist and M.H. Winsor. 2011. Coastal, offshore, and migratory movements of South African right whales revealed by satellite telemetry. *Marine Mammal Science* 27 (3):455-476.

McLeod, B.A., M.W. Brown, T.R. Frasier and B.N. White. 2010. DNA profile of a sixteenth century western North Atlantic right whale (*Eubalaena glacialis*). *Conservation Genetics* 11(1):339-345.

Munger, L.M., S.M. Wiggins and J.A. Hildebrand. 2011. North Pacific right whale up-call source levels and propagation distance on the southeastern Bering Sea shelf. *Journal of the Acoustical Society of America* 129(6):4047-4054.

Pace, R.M. 2011. Frequency of whale and vessel collisions on the US eastern seaboard two years post ship strike rule. Northeast Fisheries Science Center Reference Document 11-15. National Marine Fisheries Service, Woods Hole, Massachusetts; 12 pp. Available on line at <http://www.nefsc.noaa.gov/nefsc/publications/>

Pizarro-Neyra, J. 2010. Stranded cetaceans of Tacna, Peru. *Revista Peruana de Biología* 17(2):253-255.

Pontalti, M. and M. Danielski. 2011. Entanglements of right whales, *Eubalaena australis* (Cetacea, Mysticeti), in the 2010 breeding season in Santa Catarina state, Brazil. *Biotemas* 24(2):109-112.

Postma, M., M. Wege, M.N. Bester, D.S. van der Merwe and P.J.N. de Bruyn. 2011. Inshore occurrence of southern right whales (*Eubalaena australis*) at subarctic Marion Island. *African Zoology* 46(1):188-193.

Reeb, D., P.B. Best, A. Botha, K.J. Cloete, M. Thornton and M. Mouton. 2010. Fungi associated with the skin of a southern right whale (*Eubalaena australis*) from South Africa. *Mycology* 1(3):155-162.

Ward-Geiger, L.L., A.R. Knowlton, A.F. Amos, T.D. Pitchford, B. Mase-Guthrie and B.J. Zoodsma. 2011. Recent sightings of the North Atlantic right whale in the Gulf of Mexico. *Gulf of Mexico Science* 29(1):74-78.

Wiley, D.N., M. Thompson, R.M. Pace and J. Levenson. 2011. Modeling speed restrictions to mitigate lethal collisions between ships and whales in the Stellwagen Bank National Marine Sanctuary, USA. *Biological Conservation* 144(9):2377-2381.

Waring G.T., E. Josephson, K. Maze-Foley, and P.E. Rosel, editors. 2011. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – revised for 2010. NOAA Technical Memorandum NMFS-NE-219; National Marine Fisheries Service, Woods Hole, Massachusetts, 598 pp. Available from: NMFS, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://www.nefsc.noaa.gov/nefsc/publications/>

Right Whale News

Right Whale News is a publication of Associated Scientists at Woods Hole. It is disseminated online through the courtesy of the North Atlantic Right Whale Consortium. The Editor is Jim Hain. The editorial board consists of Julie Albert, Mark Dittrick, Tim Frasier, Robert Kenney, Scott Kraus, Bill McWeeny, Hans Neuhauser, and Melissa Patrician.

Current and back issues of *Right Whale News* published between 1994 and 2011 are available at the North Atlantic Right Whale Consortium website, www.narwc.org—select the *Right Whale News* tab.

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, contact Heather Pettis at hpettis@neaq.org and place “RWN Subscribe” in the subject line.

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