

RIGHT WHALE NEWS

The newsletter of the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale and the Northeast Whale Implementation Team

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Mandatory Ship Reporting System Will Help Protect Right Whales

By Gregory Silber* and Lindy Johnson**

** Office of Protected Resources, National Marine Fisheries Service*

***Office of General Counsel, International Affairs,*

National Oceanic and Atmospheric Administration

Recognizing that ship strikes are likely a major impediment to recovery of the North Atlantic right whale, the National Oceanic and Atmospheric Administration (NOAA) has initiated a program intended to reduce the likelihood of such occurrences. Much of the program is aimed at increasing mariners' awareness of the severity of the problem and seeking their help in minimizing the threat of ship strikes. One cornerstone of the program is a mandatory ship reporting system. Starting in July 1999, all commercial ships over 300 tons that enter two pre-determined right whale aggregation areas will be required to report to a shore-based station. The system in the northeastern United States (off Massachusetts) will operate year round, and the system in the southeastern United States (off Georgia and northern Florida) will operate each year from 15 November through 15 April, corresponding with periods of right whale occurrence.

In reporting, each ship will be required to identify its course, speed, location, destination, and route. In return, each ship will receive an automated message indicating that it is entering right whale habitat, that whales are likely to be in the area, and that ship strikes pose a serious threat to whales and may cause damage to the ship. The system also will indicate to mariners where they can receive the most recent information on right whale locations, and when available, such information will be provided in the return message. The system requires reporting only and will affect no other aspect of vessel operation; there will be no cost to the mariner. Commercially sensitive information will be kept confidential.

The return message also will contain advice on precautionary measures that mariners may take to reduce the possibility of hitting right whales. They will be advised to obtain information about the location of whales in their vicinity by monitoring various broadcast media, including the U.S. Coast Guard (USCG) Broadcast Notice to Mariners, NAVTEX (satellite-linked marine safety broadcasts), NOAA Weather Radio, and, in the northeastern ship reporting system area, the Cape Cod Canal Vessel Traffic Control and the Bay of Fundy Vessel Traffic Control. Right whale sighting information is obtained from aircraft surveys supported by the U.S. Navy, USCG, Army Corps of Engineers, the National Marine Fisheries Service (NMFS), and the states of Massachusetts, Georgia, and Florida. In addition, mariners will be advised to refer to INMARSAT C SafetyNET (satellite text broadcasts), the U.S. Coast Pilot, Sailing Directions, Notice to Mariners, and nautical charts for further precautionary advice and for information on relevant regulations and the boundaries of the right whale critical habitat and National Marine Sanctuaries. Mariners will further be advised that information placards, videos, and other educational

materials are available from shipping agents, port authorities, relevant state agencies, the USCG, and NMFS.

Contact with the shore station will be mediated via INMARSAT, a satellite-based, ship-to-shore communication system. Ships not equipped with INMARSAT (an estimated five percent of all commercial ships over 300 tons) should contact the USCG by HF radio, which will, in turn, transmit the message to the reporting system and provide the return message described above. Specific reporting instructions will be provided by the USCG as the system is implemented.

Information obtained from reporting ships will provide data on the numbers and routes of ships in right whale habitat that will be useful in further reducing the likelihood of ship strikes. The entire program will be reviewed in three to five years to assess its effectiveness, to improve the system as needed, and to introduce advances in ship communication technologies that become available.

A proposal to implement the system was submitted to the International Maritime Organization (IMO), a specialized agency of the United Nations that provides a forum for countries to address international shipping issues. The proposal received unanimous IMO approval in December 1998 with an implementation date of no later than July 1999. The concept and design of the system was initiated by NOAA, NMFS, and USCG, with significant input from the International Fund for Animal Welfare and the Marine Mammal Commission, and with strong backing from Congressmen William Delahunt (D-MA) and Wayne Gilchrist (R-MD).

Much work is needed to reduce the adverse effects of human activities on right whales. It is hoped that the ship reporting system, in conjunction with other measures, will reduce these threats and promote the recovery of this severely depleted species.

Draft Canadian Right Whale Recovery Plan Soon Ready for Public Review

Jerry Conway of the Canadian Department of Fisheries and Oceans (DFO) reports that the final internal draft of the Canadian Right Whale Recovery Plan is being reviewed and corrections are being made by members of the Recovery Team. When this step has been completed, probably by the end of February, the draft plan will be distributed to the public with a request for comments. Following the initial public comment period, the DFO will decide in which communities to hold public consultations. Presumably, most if not all of these will be in New Brunswick and Nova Scotia. Following these consultations and revisions as appropriate, the plan will be presented both to the Minister of DFO, David Anderson, and to World Wildlife Fund ñ Canada for formal endorsement.

The draft plan contains about forty recommendations arranged in five major topics: (1) methods to reduce vessel collisions, (2) reducing encounters with fishing gear, (3) reducing disturbance to right whales, (4) contaminants and habitat destruction, and (5) population monitoring and research. A key recommendation is to form an implementation team within six months of the final acceptance of the plan.

Copies of the draft plan and information on the public consultations may be obtained from Jerry Conway, Marine Mammal Coordinator, Conservation and Protection Branch, Department of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7 Canada; 902-426-9609; fax 902-426-9683; jerry.conway@maritimes.dfo.ca

E-mail Directory for the Implementation Teams

Northeast Whale Implementation Team

Dr. Tom French, Chair; Massachusetts Division of Fish and Wildlife: tom.french@state.ma.us

Brad Barr, Vice Chair; Stellwagen Bank National Marine Sanctuary: bbarr@ocean.nos.noaa.gov

Dr. Phil Clapham, Northeast Fisheries Science Center, NMFS: Phillip.clapham@noaa.gov

Jeremy Conway, Canadian Dept. of Fisheries and Oceans: jerry.conway@maritimes.dfo.ca

Cathy Demos, U.S. Army Corps of Engineers: Catherine.J.Demos@usace.army.mil

Commander Ray Erne, First Coast Guard District: erne@d1.uscg.mil

Tom Fetherston, Naval Undersea Warfare Center: fetherston@AM.Npt.NUWC.Navy.Mil

Patricia Fiorelli, New England Fisheries Management Council: pmf@nefmc.org

Dr. Romona Haebler, U.S. Environmental Protection Agency: Haebler.Romona@epamail.epa.gov

Maury Hall, Massachusetts Water Resources Authority: mhall@watertower.mwra.state.ma.us

David Laist, Marine Mammal Commission: dlaist@mmc.gov

Dr. Judith Pederson, MIT Sea Grant College Program: jpederso@mit.edu

Joseph Pelczarski, Massachusetts Coastal Zone Management: joe.pelczarski@state.ma.us

Pam Reed, MASSPORT Maritime Department: preed@massport.com

Dr. Greg Silber, Office of Protected Species, NMFS: greg.silber@noaa.gov

Terry Stockwell, Maine Dept. of Marine Resources: terry.stockwell@state.me.us

Dr. Sal Testaverde, National Marine Fisheries Service: Salvatore.Testaverde@noaa.gov

David Tomey, U. S. Environmental Protection Agency: tomey.david@epamail.epa.gov

Southeastern U. S. Implementation Team for the Recovery of the Northern Right Whale

Barb Zoodsma, Chair; Georgia Dept. of Natural Resources: Barb_Zoodsma@mail.dnr.state.ga.us

Cyndi Thomas, Vice Chair; Florida Dept. of Environmental Protection: thomas_ct@jax1.dep.state.fl.us

Lieutenant Terry Bisard, U.S. Navy, Kings Bay: n32@csg10.subasekb.navy.mil

Charles Griffin, Georgia Ports Authority: cgriffin@gaports.com

Dave Kaufman, Jacksonville Ports Authority: davidka@jaxport.com

Wayne McFee, National Ocean Service: wayne.mcfee@noaa.gov

Hans Neuhauser, Georgia Environmental Policy Institute: gepi@ix.netcom.com

Rudy Nyc, South Atlantic Division, U. S. Army Corps of Engineers:
nycr@smtpgtwy.sad.usace.army.mil

Duncan Powell, U. S. Environmental Protection Agency: powell.duncan@epa.gov

Jeannie Stephenson, Canaveral Port Authority: portcanenv@aol.com

Commander Mark Thomas, U. S. Coast Guard: mthomas@comdt.uscg.mil

Jerry Wallmeyer, U. S. Navy, Naval Air Station, Jacksonville: njnw5@navtap.navy.mil

Angela Walsh, Port of Fernandina: no e-mail available; tel. 904-261-0753

Kathy Wang, National Marine Fisheries Service, Southeast Regional Office: kathy.wang@noaa.gov

The Atlantic Large Whale Take Reduction Plan: Year One

On February 16, the National Marine Fisheries Service issued final rules to implement the Atlantic Large Whale Take Reduction Plan (*Federal Register* 64(30): 7529-7556). The plan was initiated in 1997 under an Interim Final Rule.

During the first year, the NMFS took a number of actions to implement the plan, including: (1) raising the level of funding for research and development of fishing gear that reduces the risk of entanglement, (2) expanding disentangling efforts, (3) increasing efforts to raise awareness of marine mammal entanglement problems, (4) conducting or contributing funds to conduct aerial surveys to monitor the distribution of right whales, collect photographs for individual identification and alert ship operators to the locations of right whales, and (5) increasing funding for basic research on right whale population and conservation biology.

The goal of the gear research is to develop new fishing gear or methods that minimize the risk of entanglement with large whales, either by reducing the chance that a whale will encounter the gear or by reducing the likelihood that gear, when encountered, will entangle the animal.

The current disentangling effort consists of a primary team (a part of the Center for Coastal Studies) with field station support in the Gulf of Maine/Bay of Fundy area, the central Gulf of Maine, southern Gulf of Maine, North Carolina and Georgia/Florida. Plans are underway to establish a disentangling team in the mid-Atlantic region.

The NMFS also has hired personnel to help with outreach to fishermen, enlisting their assistance with disentanglement efforts and ideas for gear research. Numerous training sessions have been held with the result that there is now a network of qualified responders to coordinate reports, carry out monitoring, and assist the disentanglement team in responding to entangled whales along the coast of Maine.

The NMFS worked with the U.S. Coast Guard, the Massachusetts Division of Marine Fisheries, the Massachusetts Environmental Trust and others to improve aerial survey coverage and the dissemination of information on right whale sightings to marine resource users. Dissemination was via the Coast Guard's Broadcast Notice to Mariners and NAVTEX, NOAA Weather Radio, U. S. Army Corps of Engineers Traffic Control (Cape Cod Canal), the NMFS web page, and other media.

Key research either conducted or funded by NMFS has included: (1) maintaining the right whale photo identification catalog, (2) analyzing data from the catalog for population assessment, (3) expanding right whale genetic studies to determine the matriarchal lines that make up the population, (4) supporting right whale stranding responses to maximize the information collected from each carcass, (5) conducting directed right whale photo ID surveys in the Great South Channel, (6) assessing capabilities to locate whales acoustically, and (7) surveying potential offshore summer habitats for right whales.

The Atlantic Large Whale Take Reduction Team met on February 8-10 to review the Final Rule and to prepare a list of key issues, make recommendations and identify next steps. These, along with a meeting summary may be obtained from Abby Dilley of the Keystone Center, 202-733-0248.

Report from the Calving Ground

The calving season is not over yet, but 1998-99 may be the lowest year for calves on record. As of February 22, only three calves have been sighted in southeastern waters. Since 1980, a total of 215 calves have been sighted in the waters off Georgia and Florida, averaging 11.3 calves produced per year. The range is 5 (recorded in 1980) to 22 (in 1996) (data from S. D. Kraus et al., New England Aquarium). It is too early to say why the numbers are so low this year.

For up-to-date information on the sightings of the New England Aquarium Right Whale Survey Team, consult their web site at: <http://whale.wheelock.edu/whalenet-stuff/reports/>

What's Wrong in Being Right?

By Richard Max Strahan

National Campaign Director, GreenWorld

princeofwhales@hotmail.com

Editor's note: Max Strahan was recently featured in a New York Times article by Carey Goldberg entitled "A firebrand alienates allies as he saves whales" (NYT Jan 23, 1999, page A7)

In the critical overview of the imminent extinction of the Northern Right Whale, it must be asked, "Why is the United States about to wipe out a species of whale?" It's a big surprise to most people that it's not

Japan, with all its intentional killing of whales, that will soon be the

one nation on Earth to actually kill off a species of whale. Why? Well, it's not just because these whales get hit by boats or entangled in fishing gear. Nor is it simply because these whales' ability to reproduce is faltering. These facts reflect simply the means to its end. The reason that it is going extinct is because it is being murdered by the National Marine Fisheries Service and the Coast Guard. NMFS has adopted an official "pro-extinction" policy for the Right Whale that it is implementing with the support of the New England Aquarium, the Center for Coastal Studies, and a few other agencies. The extinction of the Right Whale is also a crime of silence, with national environmental groups (e. g. Sierra Club, National Wildlife Federation, etc.) refusing requests to help stop the killing of these whales. These groups have also opposed the few protections that NMFS has reluctantly been forced by GreenWorld to offer these whales. This is not the stuff of a "vast right wing conspiracy." It is simply business as usual for the Ocean.

Earth Day Has Never Dawned on the Ocean

The Ocean is dying and the Right Whale along with it. In 1981, the fate of the Right Whale was sealed when Congress gave it to the Department of Commerce, which then assigned it to NMFS, to be the designated protector of whales under the Endangered Species Act (ESA). This is a classic example of the "fox guarding the chicken coop." NMFS exists solely to promote commercial fishing.

Having been handed control of endangered whales by Congress, NMFS promptly made sure the fishing industry would never suffer interference by an effort to protect these endangered whales. NMFS fully plans to end the legal threat Right Whales pose to commercial fishing and shipping by killing off this species.

NMFS kills whales and allows others to do so freely. NMFS licenses, and allows states to license, the fishing gear that is wiping out these whales.

Consistent with its plan to kill off the species, NMFS still refuses to implement any real effort to increase the population of this species, nor even to commit itself to stop the killing of these whales. NMFS refuses to conduct an annual census to simply count the remaining whales to determine the size of the current population and its yearly decline.

NMFS won't endorse the taking prohibitions of the ESA. In 1998, when a cargo carrier arrived in Rhode Island with a Blue Whale stuck to its bow, NMFS refused even to interview the captain. In 1998, when two whale watch boats struck a Humpback Whale and killed a Minke Whale, NMFS refused to fine the owners and allowed whale watching to go on, business as usual. Despite a federal court finding in 1996 that the entanglement of whales in fishing gear is unlawful, NMFS still licenses that very gear, and allows states to license it also.

NMFS never fines vessel operators for striking whales or fishermen for entangling whales in fishing gear. Vessel operators and the fishermen know that killing whales means nothing but "business as usual."

Protect Them or Lose Them

With only 200 Right Whales left, it will take a miracle to stop their extinction. NMFS's so-called efforts to protect Right Whales are token and do not offset what they are doing to kill them off. NMFS only acts in the name of conservation to defend itself in a court of law from the suits GreenWorld filed against it

(e.g., GreenWorld forced NMFS to develop a recovery plan for Right Whales). But nothing effective can be claimed to have been done to protect these whales until ñ

1. gillnets and lobster gear are completely banned from U. S. coastal waters;
 2. speed limits of less than 8 knots are imposed on all ships traveling along the U. S. coastline with a Zero Tolerance for struck whales; if you strike a whale, you go to jail; and,
 3. an annual census is done to count the number of remaining Right Whales and accurately assess the species decline.
- P. S. Coming to the next issue of *Right Whale News* ñ "Whale Fraud."

Whale Watching Advisory Group Formed

The January 6 whale watching forum sponsored by the Center for Coastal Studies and the

Stellwagen Bank National Marine Sanctuary was attended by over 200 people. They heard panels with representatives of the whale watching industry, scientists, non-governmental organizations, and government agencies discuss such topics as the adequacy of existing guidelines and future trends. According to Brad Barr, Stellwagen manager, the discussions were lively and did not shy away from controversy. A lot of concerns were aired but few conclusions were reached. Max Strahan of GreenWorld noted that a number of groups opposed to whale watching did not attend the session.

One result of the forum was the creation of an ad hoc whale watching advisory group to develop recommendations for the Northeast Whale Implementation Team, the NMFS, the NOAA Sanctuaries program and others. A first meeting of the advisory group was planned for February 24-25 in Rockland, MA, to discuss ship strikes in transit and to review the regulations and guidelines.

A report on the ethics forum is expected to be available soon. For copies, contact Joanne Jarzowski at the Center for Coastal Studies, 508-487-2038; solution@coastalstudies.org

Massachusetts Proposes Photo-ID Exemption for 500-Yard Rule

In 1997, the National Marine Fisheries Service issued an Interim Final Rule establishing a 500- yard protection zone around right whales to reduce the chance that human activity would disturb or alter the whalesí behavior; the rule included a number of exemptions. (*Federal Register* February 13, 1997: 6729-6738)

Last summer, the Massachusetts Division of Marine Fisheries (DMF) proposed that whale watch vessels be allowed to approach right whales within the 500-yard exclusion zone to obtain photographs for the Right Whale Catalog and to improve the disentanglement program. In his July 31 letter to the NMFS, DMF Director Phil Coates asked that "whale watch vessels be given real-time permission by NMFS and/or Coast Guard to approach a whale to document its status, and then be required to move away from the whale."

Christopher Mantzaris, Assistant Regional Administrator for Protected Resources, NMFS, responded on December 2, noting that "the existing federal regulation already contains an exemption that allows

vessels to come within 500 yards of a whale to investigate an entanglement, provided permission is received from NMFS. Blanket authorization for one group of vessels would, I believe, run counter to the basis for the 500 yard approach rule; i.e., providing space for right whales from vessel activity." Mr. Mantzaris called for more complete discussion of the proposal by both the Atlantic Large Whale Take Reduction Team and the Northeast Whale Implementation Team.

High Speed Vessels: Corrections

The November 1998 issue of *Right Whale News* reported that the Northeast Whale Implementation Team planned to send a letter to both the NMFS and the Governor of Maine, alerting them to the risk posed for both right and humpback whales by a marine highway system for high speed vessels. The report went on to say that the operation of high speed vessels in the Gulf of Maine already had proved to be a hazard to both humans and whales, citing one high speed vessel hitting a fishing boat and another hitting a humpback whale.

The letter was not sent. Team chair Tom French reported to the Team on February 4 that the issue had already been brought to the attention of both NMFS and Maine so the point of such a letter was moot. In addition, Tracy Perez of the Maine Department of Transportation noted that it was the fishing boat that hit the high speed vessel and the humpback whale was hit off Rhode Island outside the Gulf of Maine.

Call for Information on Right Whale Barnacles

By Dr. Peter B. Best

Whale Unit, South African Museum, P. O. Box 61, Cape Town 8000, South Africa
pbest@samuseum.ac.za

As a relief from more serious matters surrounding right whales and their survival, can any right whale biologist (or friendly conchologist?) from the northern hemisphere assist a southern hemisphere colleague in his inquiry?

Just about all non-neonate southern right whales seem to carry infestations of the barnacle *Tubicinella major*, which characteristically burrows into the skin so that only the opercular valves are visible on the surface. Adults reach a length of about 28 mm and a diameter of about 15mm, and are found exclusively in callosity tissue, where several dozen can inhabit one callosity. Spat seem to settle on calves before they leave the nursery grounds, so presumably the spawning of the barnacle is linked to the breeding season of its host. Size composition data suggest that the barnacles may live for more than one year.

I am curious to know if these creatures are also known from northern right whales. Pilsbry (1916), in his review of sessile barnacles, claims to have found only one reference to the occurrence of *Tubicinella* in the Northern Hemisphere. I quote: "In the year 1650, specimens of *Tubicinella* were observed on the head of a whale found dead on the coast of Syderoe, one of the Faroe Islands, according to Dr. Olao Worm, who gives two characteristic figures in his Museum Wormianum, page 281, published in 1655."

Have any of you northern types (especially those who indulge in photo-id from small boats) ever seen such barnacles? And do any of you have access to the said Museum Wormianum, a copy of which I have yet to locate!?

Thanks for your help and interest ñ even negative responses will be informative.

Literature cited: Pilsbry, H. A. 1916. The sessile barnacles (Cirripedia) contained in the collections of the U.S. National Museum; including a monograph of the American species. Bulletin of the U. S. National Museum 93: 281-283 (plate 1-2B).

Memberships Available in North Atlantic Right Whale Consortium

At its 1998 Annual Meeting, October 19 and 20, the North Atlantic Right Whale Consortium formed a new nonprofit organization and exchanged information on right whale research. The new Consortium is a membership organization comprised of individuals who are active or interested in right whale research and management activities. The mission of the Consortium is to ensure the conservation and recovery of right whales in the North Atlantic. The Consortium is committed to long-term research and management efforts, including the integration of databases and field efforts related to right whales, and the elimination of duplicative research. In addition, the Consortium intends to provide relevant management groups with scientific advice and recommendations for right whale conservation.

The Consortium is organizing as a nonprofit organization to be governed by a steering committee. For 1999, the steering committee consists of Dr. Michael Moore (Woods Hole Oceanographic Institution), Dr. Moira Brown (Center for Coastal Studies and East Coast Ecosystems) and Dr. Brad White (McMaster University). The chair and executive director is Scott Kraus (New England Aquarium); the secretary is Marilyn Marx (New England Aquarium); the treasurer is Dr. Robert Kenney (University of Rhode Island); the public information officer is Deb Tobin (East Coast Ecosystems). The liaison committee chair is Dr. Phil Clapham (National Marine Fisheries Service).

There are three categories of membership available in the Consortium. Charter members are researchers who have been making substantial contributions to the right whale data base for at least ten years. Regular members are researchers, conservationists, funders, corporate representatives, and policy makers who make (or have made) contributions to right whale research and management. Invited participants are those with an interest in right whales or who may have a conflict of interest with regard to funding.

While both charter and regular members can vote at the Consortium's annual meetings, the charter members have final approval power over the voted activities of the full membership. Charter members also determine database access and use. For a copy of the database access and use protocol, contact the Consortium Secretary, Ms. Marilyn Marx (contact information below).

Members in the Consortium will receive the annual meeting report, announcements of right whale related meetings and activities, and bibliographic listings of current relevant publications. Membership dues have been tentatively set at \$25 per year. To apply, send your check along with contact information including e-mail, and a brief description of your interest and experience with North Atlantic right whales to: Marilyn Marx, New England Aquarium, Central Wharf, Boston, MA 02110; 617-973-6584; mmarx@neaq.org

Right Whale Research Papers Presented at 1998 Consortium Annual Meeting

The papers presented at the 1998 Annual Meeting of the North Atlantic Right Whale Consortium

represent an excellent synopsis of current research on right whales in the Western North Atlantic. Listed below are the authors, the institutional affiliation of the principal author and the titles of the papers they presented. Abstracts may be obtained from the Consortium Secretary, Marilyn Marx.

Blott, A. (National Marine Fisheries Service). Gear modification studies.

Caswell, H. (Woods Hole Oceanographic Institution), M. Fujiwara and S. Brault. Declining survival probability threatens the North Atlantic right whale.

Clapham, P. (National Marine Fisheries Service), M. Brown and D. Tobin. Offshore surveys for right whales, summer, 1998.

Fujiwara, M. (Woods Hole Oceanographic Institution), H. Caswell and S. Brault. New results of statistical analysis: stage-structured population model of Northern Atlantic right whale.

Gerrior, P. (National Marine Fisheries Service). Strengths and limitations EWS {early warning system} surveys.

Goudey, C. (Massachusetts Institute of Technology) and K. Ekstrom. Acoustic detection and localization of northern right whales.

Hamilton, P. K. (New England Aquarium), E. Dorsey, M. K. Marx and S. D. Kraus. Entanglements in North Atlantic right whales.

Iverson, S. J. (Dalhousie University), W. D. Bowen and M. Brown. Fatty acids and age determination in right whales.

Kenney, R. D. (University of Rhode Island). Sightings-per-unit-effort (SPUE) analyses of right whale distributions.

Knowlton, A. R. (New England Aquarium) and S. D. Kraus. Mortality and serious injury in North Atlantic right whales.

Kraus, S. D. (New England Aquarium), P. K. Hamilton, R. D. Kenney, A. Knowlton and C. K. Slay. Status and trends in reproduction of the North Atlantic right whale.

Leeper, R. (International Fund for Animal Welfare), A. Moscrop, N. Biassoni, R. McLanaghan and C. Carlson. International Fund for Animal Welfare (IFAW) research, Bay of Fundy, Canada, July ñ September 1998.

Marx, M. K. (New England Aquarium), P. K. Hamilton and S. D. Kraus. Occurrence of skin lesions on North Atlantic right whales.

Mantilla, D. (Center for Coastal Studies). What can we learn from entangled whales?

Moore, M. J. (Woods Hole Oceanographic Institution), C. A. Miller, M. S. Morss, R. Arthur, W. A. Lange, K. G. Prada and M. K. Marx. Ultrasonic measurement of blubber thickness in right whales.

Rosenbaum, H. C. (American Museum of Natural History), M. G. Egan, P. J. Clapham, R. L. Brownell, Jr., S. Malik, M. Brown, B. N. White, P. Walsh and R. DeSalle. Assessing a century of genetic change

in North Atlantic right whales (*Eubalaena glacialis*).

Salvador, G. (National Marine Fisheries Service). Gear investigation in the Gulf of Maine.

Tomlinson, C. (McMaster University), S. Malik, M. Brown and B. White. Implications of population sub-structuring.

Waldick, R. (McMaster University), M. Brown and B. White. The development of DNA profiles and their integration with the photo-identification database.

Wiley, D. N. (International Wildlife Coalition) and J. Goodyear. Surface movements and subsurface behavior of right whales in Cape Cod Bay.

Wiley, D. N. (International Wildlife Coalition) and R. J. Smolowitz. A collaborative effort to modify fishing gear to reduce the risk of large whale entanglement in fishing gear.

Scientific Literature and Reports

Caswell, H., Fujiwara, F. and Brault, S. In press. Declining survival probability threatens the North Atlantic right whale. Proceedings of the National Academy of Sciences, USA.

National Marine Fisheries Service. 1998. Marine Mammal Protection Act of 1972 Annual Report January 1, 1997 to December 31, 1997. Office of Protected Resources, National Marine Fisheries Service, NOAA, U.S. Department of Commerce 141 pp & xviii appendices.

Terhune, J. M. and W. C. Verboom. 1999. Right whales and ship noises. Letters in: Marine Mammal Science 15 (1): 256-258.

Twiss, J. R., Jr. 1999. John Hernage Prescott 1935-1998. Memories in: Marine Mammal Science 15 (1): 259-261.

Calendar of Events

May 3-15, 1999: International Whaling Commission Annual Meeting. Grenada (SE Caribbean). For more information, contact Catherine Corson at the Office of Protected Resources, NMFS, 301-713-2322.

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

At press time, the next meeting of the Northeast Whale Implementation Team had not been scheduled. For further information, contact Dr. Sal Testaverde at 978-281-9368 or salvatore.testaverde@noaa.gov

May 10, 1999: Deadline for submitting news or articles for publication in *Right Whale News* (see below for details).

October 28-29, 1999: **Tentative** dates for the fall meeting of the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale. Location to be determined. To confirm date and location and for further information, contact Barb Zoodsma at 912-264-7218; Barb_Zoodsma@mail.dnr.state.ga.us

November 28ñDecember 3, 1999: 13th Biennial Conference on the Biology of Marine Mammals. Maui, Hawaii. For more information, contact the Society of Marine Mammalogy at their web site: <http://pegasus.cc.ucf.edu/~smm>

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