

RIGHT WHALE NEWS

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

Volume 8 Number 2 May 2001

Baby Boom

Thirty Calves: A Record High!

Five survey teams, flying between the Chesapeake Bay and southern Florida, supplemented by a shore-based volunteer network, sighted a record number of calves during the November 2000 - March 2001 calving season. Thirty calves were seen this season, the highest number recorded since regional surveys started in 1980. The previous high of 22 calves occurred during the 1995 - 96 season. The low, only one confirmed calf, occurred during the 1999 - 2000 season. The twenty-year average is about 11 to 12 calves a year.

The first right whale this season was seen in the southeast on November 17, 2000, and the last one was observed on March 25, 2001. In the interval, a total of 86 right whales were observed: 30 calves, 30 mothers of newborn calves (eight of these were first-time moms) and 26 other juvenile and adult right whales. One of the adults was new to the New England Aquarium's photo identification catalog. Most of the cow/calf pairs (27 pairs) were sighted in the waters off the northern coast of Florida. The southernmost sighting occurred off Fort Pierce (27°29.6' N), about 30 nautical miles south of the southern critical habitat boundary.

Unfortunately, three of the calves died. The first was observed on January 27 floating off Flagler Beach, Florida. Efforts to find the animal the next day were unsuccessful. The stranding of some decomposed pieces of a calf on Flagler Beach on February 13 may be from the same animal. The cause of death has not been determined.

The second calf died as the result of a collision with a ship. A 25-foot long carcass of a male right whale was found on the beach of Assateague Island, Virginia, on March 17. The animal had five large propeller cuts that were deep enough to rupture the abdominal cavity.

A third dead calf was reported off Murrells Inlet, South Carolina, also on March 17. The cause of death is not known.

In addition to the deaths, an adult female right whale (#1160) was observed with multiple small propeller scars and a chunk missing from her tail. The size of the scars suggest that the injuries were caused by a fast, twin-screw vessel, perhaps 50 to 70 feet in length. Because the scars do not appear to have penetrated through the blubber layer, the collision is being judged as not serious.

Surveys collecting these and other data were led by Bill McLellan (University of North Carolina at Wilmington: Chesapeake Bay to Savannah), Barb Zoodsma (Georgia Department of Natural Resources: Georgia coast north of the Early Warning System zone), Chris Slay (New England Aquarium: EWS

zone); Lisa Conger (Florida Marine Research Institute and GA DNR: offshore of the EWS zone) and Jackie Ciano (FMRI: Florida south of the EWS zone). The two collaborating sighting networks were led by Julie Albert with assistance from Harry Richter (Marine Resources Council) and Jim Hain and Joy Hampp (Marineland/Associated Scientists).

Factors Contributing to Calving Success:

The North Atlantic Oscillation and Plankton Production

Why was there such a dramatic difference between this season's calf numbers (30) and last season's (1)? One possible answer is climate change and its effects on right whale food supply.

Dr. P. H. Wiebe and his colleagues (2001; see Scientific Literature and Reports, page 11) note that climate change affects physical interactions between air and sea, causing changes in the physical structure of the upper ocean. These changes in the upper ocean affect the distribution, abundance and dynamics of plankton, including those eaten by right whales.

One measure of climate change is what scientists call the North Atlantic Oscillation (NAO), which in highly simplistic terms is a movement of high and low pressure areas back and forth between the Azores and the Icelandic region. According to Dr. A. Conversi and colleagues (2001) a high NAO index correlates with high pressure in the Azores and low pressure in the Icelandic region, and a low index correlates with the reverse. A high NAO index favors the production of plankton including the right whale's primary food source, *Calanus finmarchicus*. Increases in the NAO index are followed, two years later, by increases in winter sea surface temperatures and increases in *Calanus finmarchicus*.

Dr. Stormy Mayo of the Center for Coastal Studies has been measuring plankton production in Cape Cod Bay for 15 years. He has proposed that a rich plankton year is followed two years later by an increase in the number of calves produced. The rich plankton winter of 1993-94 was followed by the births of 22 calves during the 1995-96 season. The similarly rich plankton winter of 1994-95 was followed by 20 calves in 1996-97. Low plankton production in 1996, 1997 and 1998 resulted in low calving rates in 1998, 1999 and 2000. Based on plankton production in Cape Cod Bay in 1999, Dr. Mayo successfully predicted the increase in calves for the 2000-2001 season and he predicts an even higher rate next year. He also is preparing a model that can be used to help predict future calving rates.

Lengthened Spring-Season Residency Heightens Risks

Normally, right whales leave the waters off the Massachusetts coast by late May, and head to feeding and breeding areas in the northern Gulf of Maine. This year, scientists expect that at least some right whales will stay in the southern Gulf of Maine in June and possibly July to take advantage of rich and persistent patches of plankton. The prospect of lengthened residency in the southern Gulf of Maine concerns members of the Northeast Implementation Team for several reasons, including: an expected increase in fishing gear (due to the expiration of seasonal closures), an increase in fast vessel traffic (a new 40 knot ferry will run between Boston and Provincetown this summer), seasonal dredging operations, and a lack of funds to support an extended season of surveillance and monitoring. At their May 1 meeting, the Implementation Team agreed to alert NOAA Fisheries about their concerns. In a letter to the agency, the team asked if a contingency plan has been prepared, and offered to assist NOAA

Fisheries in developing such a plan if needed. The team also expressed support for the Commonwealth of Massachusetts' efforts to address and manage these concerns.

Commentary:

Fast Vessel Operators Should Slow Down in Whale-rich Areas

Editor's note: This commentary initiates a column in Right Whale News in which contributors can express ideas and opinions about right whale recovery efforts and how their effectiveness and efficiency might be improved. The opinions expressed will not necessarily be those of the editor, the editorial board or the financial supporters of the newsletter. Subscribers are invited to submit commentary to the editor of Right Whale News. For details, see the last item in this issue.

Fast vessels, including boats that travel at more than 28 knots and ships that meet the Coast Guard's definition of a high-speed vessel, are proliferating in the Gulf of Maine and elsewhere within the range of the North Atlantic right whale. A high-speed ferry has been operating between Bar Harbor, Maine, and Yarmouth, Nova Scotia, for several years. This summer, a new ferry will be operating at speeds up to 40 knots between Boston and Provincetown. In addition, whale-watch operators, anxious to maximize their passengers' on-whale time, are also switching to faster vessels, and the U.S. Navy operates some of its vessels at high speed (a "Navy unit" was recently clocked off Jacksonville traveling at over 31 knots). Unfortunately, these higher speeds can increase the risk to whales. Faster speeds mean less time to see an at-risk whale, and less time to respond, either by slowing down or changing course to avoid hitting a whale. Faster speeds also can limit the nature of the response. For instance, a quick change in course at 40 knots could frighten or injure passengers. And higher speeds increase the severity of the damage if a whale is struck.

Because no agency in either the United States or Canada is, as yet, effectively regulating fast vessels in areas where whales are present, voluntary measures are needed now. This summer! Educational efforts are urgently needed to inform fast vessel operators of the risks to whales and what can be done to reduce them. The short-term answer is simple: slow down when in the presence of whales.

The longer-term answer is to have a coast-wide management system in place that restricts vessel speeds in specific areas when right whales are present. For that, we have a long way to go.

Hans Neuhauser

U.S. Coast Guard Works to Improve Mandatory Ship Reporting Compliance

At the suggestion of the Southeastern U.S. Implementation Team, the U.S. Coast Guard has taken additional steps to improve compliance with the mandatory ship reporting systems (MSR) in both the northeast and the southeast. In a February warning letter to ship owners, masters and agents, the Coast Guard stated that compliance in the northeast was approximately 64% and compliance in the southeast

was approximately 43% for 1999 and 2000. (The figures for the Southeast are worse for the November 2000 & March 2001 season, ranging from 33% to 47% and averaging 40%.) A number of factors contributing to the low compliance were given, including foreign vessels that only make occasional port calls in the Southeast, and vessel captains who are unfamiliar with the region. However, the Coast Guard noted that these current levels of compliance are not satisfactory. While the Coast Guard will continue to educate mariners about the risk of right whale strikes and the MSR requirements, they will consider assessing civil penalties when it is determined that a vessel failed to comply with the MSR requirements. The maximum allowable civil penalty for each violation is \$27,500. The compliance topic is undergoing further study.

The Coast Guard also prepared an educational brochure about the problem and the MSR requirements, and over a thousand copies have been distributed in the Boston area and the Southeast.

Please Report Ship Strikes

David Laist, policy and program analyst for the Marine Mammal Commission, and his colleagues recently published a report on "Collisions between whales and ships" in *Marine Mammal Science* (vol. 17, no. 1, pages 35 & 75). Reviewing worldwide data, they conclude that right whales "are hit commonly," and that "in some areas, one third of all...right whale strandings appear to involve ship strikes." The Marine Mammal Commission continues to collect worldwide data on ships colliding with whales. If you are aware of an incident, please send the following information to David Laist at the MMC, 4340 East-West Highway, Bethesda, MD 20814, USA or e-mail: dlaist@mmc.gov

1. Date of event: day, month and year
2. Species struck: known or suspected species struck
3. Fate of the whale: killed, injured, unknown
4. Name of the ship, the vessel type (tanker, ferry, freighter, etc.), and length
5. Speed of ship at time of collision, in knots
6. Location of the event: coordinates and approximate location from shore
7. Brief description of the event. Was the whale seen just before the collision? If so what was its behavior? Was there any sign of a response to the vessel? What time did the event occur (day, night, dusk)? What were the sighting conditions (sea state, visibility)? What was the distance between the whale and the vessel when first seen before the strike? Were other whales seen in the area? Was the strike felt or heard aboard the ship? Were an injured or dead animal or blood in water seen after the strike? Was the whale first seen caught on the bow of the ship entering port? Was there any damage to the ship?
8. Source of information: first hand experience, direct interview with involved captain or crew, inspection of ship logs, incident report, necropsy report, second or third hand account, etc.
9. Has any of the above information been published? If so where?

NOAA Fisheries Drafts and Implements Dynamic Management Plan for Fishing Gear

Last year, the Atlantic Large Whale Take Reduction Team (ALWTRT) asked NOAA Fisheries to prepare a plan of action for addressing dynamic area management as a means of reducing entanglements in areas where right whales may congregate outside the known critical habitat areas of Cape Cod Bay, the Great South Channel and the north Florida/south Georgia coast.

NOAA Fisheries has drafted a plan they believe should achieve the goals of both the Marine Mammal Protection Act and the Endangered Species Act.

The draft plan proposes that management actions will be initiated by a "triggering mechanism." The triggering mechanism is defined as a restricted zone in which three or more right whales are observed within a 75 square nautical mile area in which the right whale density is equal to or greater than 0.04 right whales per square nautical mile. In the restricted zone, NOAA Fisheries may require any or all of the following: removal of all gillnet gear within 48 hours; removal of all lobster gear; removal of at least 50% of vertical lines from all lobster gear within 48 hours.

Full implementation of a plan developed by the ALWTRT will not be possible until the spring of 2002. In the meantime, NOAA Fisheries is using the criteria for dynamic management, applying them on a case-by-case basis.

The ALWTRT will meet this summer, probably in late June, to review the draft plan and other matters. For information on the meeting, contact Abby Arnold at RESOLVE Inc.: 202-965-6211 or e-mail: aarnold@resolv.org

The draft plan is available on the Large Whale Plan web site: <http://www.nero.nmfs.gov/whaletrp> under the What's New section. For additional information on the draft plan, contact Gregg LaMontagne at 978-281-9291 or e-mail: gregg.lamontagne@noaa.gov

Funding for Right Whale Research: An Update

Funding for right whale research is in transition, both in the funds available and in the mechanisms for dispersing those funds. In FY2001 the Congress appropriated \$5 million for right whales, up from \$4.1 million in FY2000. Of that amount, NOAA Fisheries (the new name for the National Marine Fisheries Service) received \$2.1 million, and the remaining \$2.9 million will be administered by the Northeast Consortium (NEC). (See *Right Whale News* 8(1): 1 ‐2.)

Dr. Ann C. Bucklin, NEC representative from the University of New Hampshire, describes the NEC funding process as one that places the interests of the animal foremost, and says that the NEC is committed to a fair and open competition to fund essential research contributing directly to right whale conservation.

The first round of NEC activity involved ongoing, multi-year projects that would no longer be supported by NOAA Fisheries under the new funding regime. In a fast-track process, nine requests were submitted and six were approved for a total of \$1.2 million, leaving \$1.7 million of the original \$2.9 million.

For these remaining funds, 56 planning letters were received by the NEC by February 13. Dr. Bucklin noted that five concurrent panels, each with one NEC representative, reviewed the planning letters (one panel reviewed the right whale research letters). The makeup of the panels was designed to include all stakeholders: NOAA Fisheries, states, fishermen, and environmentalists. Throughout the review, the planning letters were treated as confidential documents, with an emphasis on protecting the researchers and their ideas. At the same time, the NEC endeavored, where possible, to match up investigators and projects with others having similar methods or objectives. Based on the panel reviews, 23 projects were recommended for submission of a full proposal. On April 27, twenty-seven full proposals were received. Funding decisions are scheduled by May 25.

The second major category of NEC funding is through cooperative research projects, a category restricted to projects that involve both researchers and commercial fishermen. For FY2001, \$5 million was appropriated. Eighty-five planning letters were received, 44 were recommended, and 49 full proposals were received by the April 27 deadline.

On the NOAA Fisheries side, a spending plan was to have been submitted by January 30 for the \$2.1 million assigned to the agency. A number of delays have occurred, including a recent delay attributed to an initiative by several states to obtain additional direct funding. As of May 11, a final agreed-upon spending plan was not available from the agency.

Looking to the future, the NEC has been included in the administration's FY2002 budget (i.e., requested by NOAA and approved by the Office of Management and Budget). The request is for \$5 million for cooperative research and \$2.9 million for right whale research. This is not a guarantee, Dr. Bucklin cautions, as the final outcome will be determined through the congressional appropriations process. Indications are, however, that the Northeast Consortium will continue to play a major role in setting the tone and direction of right whale research in coming years.

Further information on the Northeast Consortium can be found on their web site:
www.NortheastConsortium.org

2002 Budget Scuttlebutt

The budget for NOAA Fisheries for fiscal year 2002 is caught up in the Bush tax cut and budget cut debate. Predictions of the eventual outcome at this point in the process are almost worthless. However, the President's budget includes a request for \$7.0 million for right whales, up from \$5 million for FY 2001. Of this amount, some \$2.9 million would go to the Northeast Consortium, and some \$300,000 to \$500,000 would support work on the North Pacific right whale, (*Eubaleana japonica*). That would leave \$3.6 million to support the agency's own work on North Atlantic right whales (*Eubalaena glacialis*).

Revised Recovery Plan May Face Further Delays

The revised draft of the "Updated Recovery Plan for the North Atlantic right whale, *Eubalaena glacialis*, and the North Pacific right whale, *Eubalaena japonica*" is still undergoing clearance review. It may be another two to three months before the plan is ready for release for public review. The comment period is expected to be 60 to 90 days and may be extended, in spite of a Congressionally-mandated July 31 deadline for completion of a final plan.

NOAA Fisheries' Office of Protected Resources has asked the U. S. Fish and Wildlife Service to approve the separation of right whales into three different species under the Endangered Species Act. If this recommendation is accepted, two separate recovery plans are anticipated, one for the North Atlantic right whale and one for the North Pacific right whale. Such a separation is likely to further delay the publication of drafts for public comment.

Two Right Whale Lawsuits Head to Trial

Another Lawsuit Settled

The Humane Society of the United States and the Conservation Law Foundation have filed two separate suits against NOAA Fisheries, seeking action to reduce fishing gear entanglements and ship strikes of right whales. Soon after the Bush administration took office, NOAA Fisheries terminated the settlement discussions with HSUS and CLF. As a consequence, both lawsuits are heading for trial.

In the meantime, the 1995 lawsuit filed by Max Strahan of GreenWorld against the Massachusetts Division of Marine Fisheries has been settled. The settlement agreement includes a number of actions initiated by the division since 1995, and requires that gillnet gear cannot be left unattended while whales are in Cape Cod Bay. The settlement also calls for the state to develop permanent lobster gear regulations for the Cape Cod Bay critical habitat by December 15. Permanent gillnet regulations must also be developed by January 1, 2002. The state must come up with funds to support these programs and for aerial surveys and disentanglement work for the next four years.

Canada's Species at Risk Legislation Introduced

A new version of a proposed Species at Risk Act (SARA) was introduced in Canada's Parliament on February 2. The purpose of SARA is to protect wildlife at risk of becoming extinct or lost from the wild, with the ultimate objective of helping them recover. A number of changes have been made to help improve the bill. One modification would change existing recovery plans, such as the "Canadian Recovery Plan for the North Atlantic Right Whale" into proposed recovery strategies. This would allow for a 60-day public comment period and an additional 30 days for finalization.

Brazilian Judges Confirm Jail Terms for Harassment of Southern Right Whales

On February 15, the judges of Brazil's 4th Regional Federal Court confirmed the sentence of two years in prison for two journalists and a fisherman who, in September 1995, had harassed and rammed a southern right whale cow and calf in an attempt to get video footage. The harassment case was based on a 1987 law that forbids the killing and harassment of any whale or dolphin in Brazil's jurisdictional waters. Because the defendants had no prior criminal records, the sentence was converted to two years mandatory free work in environmental institutions and individual fines in excess of \$500 U.S. dollars.

The federal court decision is seen as an important signal of the government's willingness to enforce whale protection laws and protect the economic benefits of whale watching.

Argentina City Plans to Protect Additional Right Whale

Breeding Ground

El Doradillo is a stretch of coast on the Golfo Nuevo of Argentine Patagonia. It is one of the few places where breeding southern right whales can be seen from shore in August and September. It is also close to the right whale sanctuary at Peninsula de Valdez. Recognizing the economic importance of whale watching tourism to the local economy, city officials in the city of Puerto Madryn are considering the creation of a protected area at El Doradillo. In his support for the project, Puerto Madryn mayor Julio Aristarain noted: "We should balance caring for the environment with the development of tourism, so that tourists and local people will access our natural resources without ruining our sustainability."

People

Cyndi Thomas, current chair of the Southeastern U.S. Implementation Team for the Recovery of the North Atlantic Right Whale, will leave the Florida Fish and Wildlife Conservation Commission in June to work on marine mammal issues with **Nina Young** at the Center for Marine Conservation in Washington. **Jackie Ciano** with the Commission's Right Whale Conservation Program will fill in for Cyndi until a replacement is selected, and **Barb Zoodsma**, with the Wildlife Resources Division of the Georgia Department of Natural Resources, will become the chair of the Southeastern Implementation Team.

Doug Beach has retired from a long and distinguished career at NOAA Fisheries, including serving on the Recovery Team that developed the "Final Recovery Plan for the Northern Right Whale, *Eubalaena glacialis*" (NMFS 1991), serving as NOAA Fisheries' representative to the Atlantic Large Whale Take Reduction Team and coordinating large whale recovery plans for the northeast region. His last day on the job was May 3. A replacement is being sought. In the meantime, NOAA Corps Officer **Gregg LaMontagne** will serve as the Large Whale Plan Coordinator. He can be reached at 978-281-9291 or by e-mail at: gregg.lamontagne@noaa.gov

Alex Score, who supervises the printing and mailing of *Right Whale News* and maintains the newsletter archives, is leaving the Gray's Reef National Marine Sanctuary; her replacement is **Marcy Lee**.

Abby Dilley, RESOLVE Inc.'s lead facilitator for the Atlantic Large Whale Take Reduction Team, is on maternity leave; **Abby Arnold** will fill in during her absence.

The U.S. Navy's right whale communications fusion center for the southeast region, also known as FACSFAC JAX, has a new commanding officer: **Captain William Evers**.

Penny Dalton, Director of NOAA Fisheries under President Clinton, has accepted a position as vice president and technical director for the Consortium for Oceanographic Research and Education. The Consortium includes 63 U.S. oceanographic research institutions, universities, laboratories and aquaria.

Hans Neuhauser, editor of *Right Whale News* and a member of the Southeastern U.S. Implementation Team, was recently elected to serve on the Technical Advisory Committee of the Northeast Implementation Team.

The National Fish and Wildlife Foundation has hired **Michelle Pico** to be the National Whale Conservation Fund Manager. She can be reached at 202-857-5159 or by e-mail at: pico@nfwf.org

Useful Web Sites

The International Whaling Commission workshop report on the status and trends in Western North Atlantic right whales (1999) is available on the website of the Northeast Fisheries Science Center's Protected Species Branch: <http://www.wh.who.edu/psb/>

The correct address for the WhaleNet site maintained by Mike Williamson at Wheelock College in Boston is: <http://whale.wheelock.edu/rightwhale/>

The web address for the Right Whale Sighting Advisory System, northeast region, is: http://whale.wheelock.edu/whalenet-stuff/reportsRW_NE/

The International Wildlife Coalition/Brazil's web site is: <http://www6.via-rs.com.br/iwabr/ingles.html>

Scientific Literature and Reports

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changes in genetic diversity. *Conservation Biology* 14 (6): 1837-1842.

Russell, B. and A. Knowlton. 2001. Discussion draft &endash; Right whales and ship management options. Revised draft of March 15, 2001. Available on the Internet at: <http://www.rightwhales.org/shipstrikes/report.html>

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Calendar of Events

June 15: Deadline for submitting abstracts for the Biennial Conference on the Biology of Marine Mammals (see last calendar item).

June 26-28: Tentative dates for the next meeting of the Atlantic Large Whale Take Reduction Team. See article on page 5 for details. For information on the meeting, contact Abby Arnold at RESOLVE Inc. at 202-965-6211 or e-mail: aarnold@resolv.org

October 24: Northeast Implementation Team meeting. Tentative location: John F. Kennedy Federal Building, Boston. For further information and to be placed on the interested party notification list for details of this and future meetings, contact Dr. Sal Testaverde at: Salvatore.Testaverde@noaa.gov

October 24: Finalists in the Canadian Whale Institute's Eubalaena Award Competition will demonstrate their summer's work at the New England Aquarium in Boston. Winners will be announced the following day during the Right Whale Consortium meeting (see next item). For additional information on the competition and the event, contact Sarah Haney at sarahaney@earthlink.net or visit the Institute's web site: <http://savetherightwhale.com>

October 25-26: North Atlantic Right Whale Consortium annual meeting. Pre-registration will be required. For further information, contact Marilyn Marx at mmarx@neaq.org

November 1-2: Southeastern U.S. Implementation Team for the Recovery of the North Atlantic Right Whale meeting. Location to be determined. For further information, contact team chair Barb Zoodsma at 912-264-7218; e-mail: Barb_Zoodsma@mail.dnr.state.ga.us

November 29-December 3: 14th Biennial Conference on the Biology of Marine Mammals. Vancouver, British Columbia, Canada. For further information and to submit abstracts, go to www.vanaqua.org/mmconf2001.

Right Whale News

Right Whale News is the newsletter of the Southeastern U.S. Implementation Team for the Recovery of the North Atlantic Right Whale and the Northeast Implementation Team. The editor is Hans Neuhauser. The editorial board consists of Bill Brooks, Moe Brown, Phil Clapham, Jerry Conway, Jim Hain, Scott Kraus, Mike Payne, Sigrid Sanders and Jerry Wallmeyer.

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

The current issue of *Right Whale News* is now available on line at a web site maintained by the Georgia Environmental Policy Institute: www.GEPInstitute.com

An index of the first five years of *Right Whale News* (1994-1998) is available along with current and back issues on the Internet, thanks to Alex Score and Marcy Lee of the Gray's Reef National Marine Sanctuary. The web site address is: <http://www.graysreef.nos.noaa.gov/rightwhalenews.html>

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

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