

**North Atlantic Right Whale Recovery Plan  
Southeast U.S. Implementation Team Meeting, May 24-25, 2011  
Jacksonville, FL**

**KEY OUTCOMES MEMORANDUM**

**I. Overview**

The North Atlantic Right Whale Recovery Plan Southeast U.S. Implementation Team (SEIT) conducted a meeting on May 25 in Jacksonville, Florida. The SEIT meeting was preceded by a Southeast Right Whale Forum on May 24 at the same meeting location. The Forum agenda was planned with input from the SEIT in order to facilitate priority information updates and discussion with participants and the SEIT members. The May 24 agenda is attached. The May 25<sup>th</sup> SEIT meeting focused on seven primary objectives:

- Past Business
- Southeast Enforcement Update
- Discussion on May 24 Forum presentations
- Education and Outreach
- SEIT Recommendations to SERO
- Preliminary Findings from Mariner Questionnaire
- Aerial Survey Workshop

This Key Outcomes memoranda summarizes the primary results of the SEIT meeting. In general, the synthesis integrates the main themes discussed at the meeting and are presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes, and Next Steps. The Key Outcomes section is further segmented into the following six sections:

- Welcome and Introductions. This section provides a brief overview of meeting, purpose, and agenda overview.
- Presentations and Discussions. This section summarizes presentations to the SEIT and the team's subsequent discussions.
- Consensus Actions. This section summarizes consensus actions to be taken by the Team.
- Consensus Recommendations. This section summarizes consensus recommendations of the SEIT.
- Other. This section summarizes other topics discussed during the meeting.

**II. Participants**

The SEIT meeting was attended by 11 of the 13 Team members and included: Nancy Allen (US Navy), Lance Garrison (NMFS), Clay George (GDNR), Mike Getchell (JMTX Harbor Safety), David Harter (Hilton Head Is. Sportfishing), Amy Knowlton (NEA), Bill McLellan (UNC Wilmington), Katie Moore (USCG), Leslie Ward-Geiger (FWC), Tom Wright (Savannah Martine Assoc), and Sharon Young (HSUS). John Cameron/Hardee Kavanaugh and Becky Shortland served as alternates for Bill Kavanaugh and Cathy Sakas, respectively. L. Ward-Geiger facilitated the meeting.

Barb Zoodsma and Greg Schweitzer attended from SERO PRD. Special Agent Al Samuels, NOAA OLE

SERO, attended a portion of the meeting. Members of the public were not invited to attend the meeting.  
\*Barb Zoodsma clarified the role of alternates.

### **III. Meeting Materials**

A draft meeting agenda was distributed prior to the meeting. Katie Moore distributed preliminary findings from the Commercial Mariner Survey Mike Getchell administered. Copies of these materials can be obtained by emailing [Barb.Zoodsma@noaa.gov](mailto:Barb.Zoodsma@noaa.gov).

### **IV. Key Outcomes**

Below is a summary of the main topics and issues discussed during the meeting. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussions, and areas of full or emerging consensus.

#### **A. Welcome and Introductions**

The meeting kicked off with a brief review of the meeting purpose and self-introductions.

#### **B. Presentations and Discussions**

##### **1. Past Business/Outstanding items: Sharon Young**

S. Young listed the following outstanding items from previous discussions.

- a. Planning committee for aerial survey workshop
- b. Identification of additional sites for landing carcasses
- c. Quantitative recovery criteria
- d. Recommendations to SERO
- e. How would SEIT be involved in evaluating the effectiveness of the ship speed rule?

#### *Discussion*

Aerial survey planning committee. Planning committee members (Ward, Zoodsma, Garrison, Knowlton, McLellan), drafted a preliminary conceptual framework and terms of reference with input from SERO. The aim of the framework was to help clarify key management objectives and describe current research/monitoring methods as well as potential information gaps and priority research needs. The framework could then be provided to workshop participants as important background information.

Identification of additional sites for landing carcasses. C. George reported that he has been investigating a carcass necropsy site in Brunswick. He believes there is a 95% chance the site will be on line in time for the 2011/2012 calving season. He is still working on a Savannah site - Tom Wright offered to assist with locating a Savannah site.

Evaluating the effectiveness of the ship speed rule. SEIT involvement could range from pre-rule comments/recommendations to submitting comments on the proposed rule during the public comment period. The SEIT agreed that obtaining follow up on information regarding the evaluation of the ship speed rule is a priority for the team. Further discussions about the speed rule were tabled pending feedback from NMFS.

## 2. Southeast Enforcement Update

Special Agent (SA) A. Samuels provided an overview of the OLE Southeast Division and investigative responsibilities. Approximately two OLE FTEs have right whales/large whales as an enforcement priority. Nine Notice of Violation Assessments (NOVAs) have been issued since November 2010, these represent approximately \$350,000 in assessed civil penalties. Alleged violations occurred from New York/New Jersey to Jacksonville, Florida. Additional investigations are on-going.

*Discussion.* Joint Enforcement Agreements (JEAs) with states outline enforcement priorities on an annual basis. Enforcement of the 500 yard rule and ship speed rule has been included in these priorities.

There also was a brief discussion regarding aerial survey team observations of alleged 500 yard rule violations. SA Samuels recommended contacting USCG from the air. Reports of alleged violations (referrals) can be forwarded afterwards to OLE and they will evaluate next steps. Certain documentation/information is preferred and B.Zoodma offered to coordinate with OLE on what information they would like to see from aerial survey teams. Special Agent Samuels addressed communications between aerial survey teams and vessels approaching whales - he discourages biologists from communicating in such a way that gives the impression they are law enforcement officials.

## 3. Discussion on May 24 Forum Topics

*Visual monitoring efforts.* Right whales were spotted during the first day of surveys (i.e. whales may have moved into area earlier) and few right whale sightings occurred in March (i.e. whales may have moved out of area earlier). Members discussed the idea of a dynamic monitoring approach to better accommodate temporal and spatial shifts in right whale distribution.

Some members noted the number of large whale mortalities as the result of ship strikes in the Chesapeake Bay to Cape Hatteras area and proposed that visual monitoring efforts in that area may be warranted. Cape Hatteras might be a preferred monitoring site as whale movements are constricted into a smaller region that could be effectively monitored.

*Passive acoustic monitoring (PAM) efforts.* The SEIT noted that several groups are working on PAM and that little coordination is occurring between the entities. Additionally, a number of questions were raised including, but not limited to: 1) whether humpback vocalizations would complicate data interpretation, 2) how acoustic and visual monitoring efforts compare, 3) the apparent lack of calls from mother/calf right whale pairs in the SERO, 4) what are the variations in diurnal and between-area call rates, 5) where's the best location to use PAM, 6) are there ways to enhance the usefulness of PAM efforts, and 7) how does the SEIT address all of these?

Members agreed that a standing committee is one option and it was noted that a Passive Acoustic Work Group was proposed in the SEIT's Terms of Reference. A draft PAM framework was provided to members (as a model of what could be developed for the aerial survey workshop) and could be used to facilitate discussions and help organize/focus efforts.

L. Garrison announced that he has two auto detection buoys that will be deployed next year. He needs to decide within next 3.5 months where to put them and requested input from SEIT members.

#### *Mortality and Injury.*

The SEIT discussed two instances when floating right whale carcasses were not secured: a dead right whale observed floating off Assateague and another observed off South Carolina. Both were initially observed and reported by fishing or shipping interests pointing to the importance of constantly reinforcing communication networks.

The SEIT discussed the forensics analysis presented by A. Costidis of the vessel-struck right whale observed off South Carolina and the need for industry input. The SEIT discussed the potential of forming a working group to focus on refining vessel size classification categories in the larger vessel categories for the purposes of forensic analysis. This suggestion was also made by also came from A. Costidis, UF/Forum participant after his presentation at the Forum.

*Genetics.* The SERO believes that having the capability within the U.S. of genetically identifying individual right whales would enhance right whale recovery. Therefore, SERO has asked that the SEIT assist with identifying a strategy that facilitates timely, accessible genetic information via U.S. capabilities while acknowledging and preserving Tim Frasier's (St. Mary's University, Halifax, Nova Scotia, Canada) investment and founding work.

Genetics samples from SE are sub-sampled: one subsample goes to Tim Frasier in Canada and one subsample stays with NEFSC.

#### *Disentanglement*

J. Cameron noted that Charleston will be securing an offshore response boat that may be suitable for disentanglement response. It will be designed to get emergency response teams offshore.

SEIT would like an update on progress made on refining guidelines for making serious injury determinations as related to entangled/disentangled whales.

#### *River Incursion/Tagging*

An obvious need for the capability to track real-time movements of a right whale in the St. Johns River was laid out during the Forum. Some type of telemetry technology seems the logical solution. The next step is to identify objectives to identify potential tag options for this type of tagging project. Separately, this appears to be a good opportunity for SEIT members to partner in developing a solution to tracking whales that venture into the St. Johns River and to consider tag options that might also be useful for other real-time tracking needs including entangled whales with no trailing gear.

A number of individuals contributed to the successful conclusion of the right whale incursion into the St. Johns River. The SEIT recommended they be commended for their efforts (see Consensus Recommendations).

*Education and Outreach.* The SEIT discussed the results from a survey administered to Right Whale Festival participants. Team members noted that the festival was mostly reaching a local audience and that a number of survey respondents were not aware that right whales came to the area –highlighting the value of the RWF. Members expressed an interest in reviewing the survey to determine if it could be modified for additional learning purposes.

#### 4. Education and Outreach.

D. Harter presented a powerpoint presentation that he developed for use in speaking to recreational mariners in South Carolina. He noted that manually-driven presentations, such as powerpoint presentations, have limits on how they are distributed/presented. Alternatively; videos, either on dvds or streamed from websites, and PSAs on tv/cable community channels can be self sustaining. DVDs can go out to a large number of groups/associations/clubs.

The SEIT discussed the Education and Outreach (E&O) Steering Committee and the important role they played in creating the E&O planning document. There was debate on sustaining the steering committee to maintain organizational effectiveness. The SEIT decided to move forward with a few high-priority E&O tasks from the plan to be implemented by focused working groups. The identified working groups (can work with Forum participants on these) will focus on reaching out to the large recreational vessel/mega yacht community and other, smaller recreational vessels; and another group will focus on the Right Whale Festival.

*Large recreational vessels and megayachts.* E&O materials should be posted at repair facilities located in Jacksonville, Savannah, and Charleston.

*Right Whale Festival.* One idea that was discussed and gained traction was opening the RWF up to a greater scope beyond right whales, but to keep the name of the event as the Right Whale Festival. B. Zoodsma mentioned that assistance may be needed in organizing the 2011 RWF because C. Bonnes is heavily involved with Marine Mammal Conference planning and preparations. One member noted that the Jacksonville Chamber of Commerce was not aware of the RWF -they would make a good partner.

The previous E&O Steering Committee will be dissolved, but their efforts should be commended, and a plan developed to avoid loss of effort and productivity during the transition to working groups.

#### 5. SEIT Recommendations to SERO

*Sedation* –The SEIT recognizes that sedation of severely entangled whales will likely occur most often in the SE. However, after some discussion, members agreed that more information is needed prior to making a formal recommendation to SERO regarding sedation. Consequently, the letter that is presently

being drafted will not include information on sedation. The SEIT will take time to more fully develop their position on this subject.

#### 6. Preliminary Findings from Mariner Survey

M. Getchel presented preliminary results (19 respondents) from the mariner survey. This is the survey that was developed as the result of an SEIT March 29<sup>th</sup> conversation regarding aerial survey workshop plans and how mariners use the right whale sighting information. Preliminary results were sent to the SEIT prior to the meeting. Of note, 37% of respondents report they do not receive real-time sighting reports apart from the MSR and 11 of 19 respondents indicated they'd prefer to receive sighting information directly to the bridge.

Team members discussed whether mariners were likely providing responses based on all voyages or only voyages during the time when SMA or EWS surveys were in effect. Some modifications to the survey were discussed. M. Getchel will continue to distribute the survey.

#### 7. Aerial Survey Workshop:

Members discussed a general format including having a 2.5 day workshop in St. Petersburg, FL, at the SERO and led by a strong/knowledgeable moderator. Candidates for moderator include Laura Engleby (because she is knowledgeable with right whales and SERO), Julian Martin, FWRI (expertise in structured decision making and surveying populations) (\*w/ help from Ward), and/or Concur (professional facilitators and familiar with right whale issues and community).

The SEIT engaged in a lengthy discussion about aerial surveys and potential directions for the workshop. A draft workshop "terms of reference" and background material was distributed that included broad categories of key management objectives. Two key questions were raised: 1) are the aerial surveys, as designed now, effective based on current key management objectives? Members discussed EWS aerial surveys relative to the primary management objective stated in the draft TOR (reducing or eliminating vessel collisions with whales) and in terms of the onset of management tools such as predictive models, shipping lanes, and speed reductions. Some members suggested that these newer tools could now potentially replace the EWS as it is currently intended. Should effort be redirected to areas that now have no monitoring? To what extent should surveys be used to address vessel strike threats given current management tools? How effective are EWS surveys in meeting this objective? How is information being used by mariners? (SEIT working on mariner survey to help address this); and 2) if the aerial surveys are not sufficiently effective, how should they be redesigned relative to priority objectives? Which recovery objectives are best addressed with aerial surveys? The SEIT agreed that further work on fleshing out the recovery objectives was needed. SEIT members will review draft TOR for aerial survey workshop and provide comments to Leslie (2 weeks). The aerial survey workshop Committee will redraft TOR and distribute prior to next SEIT telcon.

### **C. Consensus Actions**

1. B. Zoodsma will coordinate with OLE on protocols for aerial survey teams when referring potential 500 yard rule violators to OLE.
2. The NMFS prepares Stock Assessment Reports (SARs) that include annual updates of

demographic information such as minimum population size/trends, estimates of annual human-caused mortality/injury, and stock status. The SEIT will explore critical information needs or limitations in order to support timely monitoring of population status and assessing recovery measures.

3. B. Zoodsma will check with HQ regarding possible involvement of SEIT in evaluation of effectiveness of the ship strike rule and whether the report being prepared by NMFS at present will be available to the SEIT for review prior to public release.
4. The SEIT will conduct a conference call to discuss PAM. A draft framework was provided to members to facilitate discussion, organize thoughts/planning.
5. SEIT members will provide input via email to L. Garrison on recommended locations for placing SEFSC auto-detection buoys, **team should be copied on emails**. (*\*Note- should organize #4 asap to facilitate focused efforts re: PAM issues*)
6. Mortality and Injury: Assess readiness of stranding communication networks prior to right whale calving season. Verify dead whale reporting is addressed in vessel operator outreach products.
7. Should present A. Costidis' forensics report (on prop injured right whale #3853) to, and solicit input from, propeller shop personnel and individuals with ocean-going experience. Dominey Machine and propeller Service Inc. on SSI would be good. (*\*need follow up discussion on how/who will follow up on this*)
8. B. Zoodsma will seek permission from author and contributors to disseminate A. Costidis forensics report to SEIT. If permission is granted, the report will be distributed to the SEIT.
9. A conversation between SEIT and T. Frasier would be helpful to discuss how to accomplish building capabilities for genetically identifying individual right whales in the U.S. What are current impediments to timely, accessible genetic information?
10. B. Zoodsma will check on the status of NOAA's Serious Injury determinations as related to entangled/disentangled whales.
11. FWRI will draft a list of the tag capability-related needs/criteria for responding to river incursions.
12. B. Zoodsma will coordinate with M. Getchel and other potential partners as the tagging effort progresses (for river incursions).
13. Get copy of RWF survey from Jessica, SEIT will review, provide comments to Leslie regarding suggested questions to add or modify prior to the next festival. Please send suggestions to Leslie asap- she will compile and forward to Jessica.
14. Make contact with, and send educational materials to, large recreational vessel/mega-yacht repair facilities.
15. B. Shortland will check into what level of involvement can be provided by Grays Reef for the RWF.

16. L. Ward will email members of the previous E&O Steering Committee thanking them for their efforts.
17. K. Moore and C. Bonnes will develop guidance for the new RWF E&O working group. The SEIT will review the proposed guidance and provide to the Forum when final.
18. B. Zoodsma will determine cost and shelf life for pharmaceuticals to sedate one whale and provide that information to the SEIT.
19. L. Ward will send the SEIT the draft recommendation letter for review and comment. As agreed upon, the letter will not include and sedation-related language.
20. M. Getchel will modify the mariner survey to: a) specify that questions pertain only to voyages during season when SMA/EWS surveys are in effect, and b) can the respondent be contacted (there are concerns about the practicality of adding this question—need to resolve).
21. B. Zoodsma will send the FWRI-generated aerial survey discovery curve to SEIT.
22. SEIT members will review draft TOR for aerial survey workshop and provide comments to Leslie within next two weeks. Committee will redraft TOR and distribute prior to next SEIT telcon.

#### **D. Consensus Recommendations**

1. The SEIT and SERO should address or enhance ship-strike reduction efforts in the Chesapeake Bay and south through Cape Hatteras.
2. Capt Winegeart, St. Johns Bar Pilot, should be complimented for reporting the right whale entering the St. Johns River. Moran Towing should be acknowledged for reporting the dead whale they spotted floating offshore of South Carolina. They Navy should be complimented for modifying helicopter flyovers during the right whale incursion into the St. Johns River to clear airspace for the whale plane. Capt. Blomme, USCG, and his staff should be commended for leadership in acoustically quieting the St. Johns River. Acknowledgement should also include efforts of FWC LE.
3. SERO should consider outsourcing the administration of RWF to a professional event planner.
4. Don Lewis should be commended for his duties as NOAA's shipping liaison. Compliments to industry for voluntarily using recommended lanes (noted in trade journal and/or local media).

#### **E. Other**

1. Right Whale Population Size.

The SEIT discussed the right whale population and the various numbers used to describe it. B. Zoodsma explained that NMFS uses the peer-reviewed number reflected in the SAR (as required by law for TRT actions); however, this is a minimum population size based on the number of right whales known to be alive. The Right Whale Consortium is interested in an annual population size estimate so they estimate population size based on the number of animals presumed to be alive. Both methods lag by a few years due to the backlog of images used to photographically identify individual right whales. One member pointed out that although these methods result in two separate numbers, the trends are similar.

The SEIT is interested in population updates (SAR, NEFSC, Consortium) at fall meetings and to continue to be provided with updates and info related to demographic recovery criteria.

## 2. Shipping Lanes

The risk assessment associated with recommended shipping lanes should be updated with actual AIS-derived ship tracks. The previous risk assessment from several years ago used assumed ship tracks that were modeled from MSR report data.

## 3. Next Meeting

The next SEIT meeting will be in the fall and follow the Forum meeting. (2 days total). There was discussion of moving the meeting onto a rotating venue so to allow more attendance in areas up and down the SE coast.