

Meeting Notes of the Ship Strike Committee
Meeting of 9 September 2002
at the
Black Falcon Terminal, MASSPORT, Boston, MA
(Note: A copy of these meeting notes and attachments is available at
<http://www.nero.nmfs.gov/whaletrp/>)

The meeting was called to order by Bruce Russell, co-chair. Participants introduced themselves. The attendance list is attached. Mr. Russell explained that the motivation for the meeting was from Pat Kurkul, NOAA Fisheries Northeast Regional Administrator who asked that we convene and update constituents on the progress on reviewing and implementing the recommendations of the August 2001, "Russell" report: *Recommended Measures to Protect the Northern Right Whale from Vessels*.

To this end three reports were presented:

Pat Gerrior reported on the progress of the working group convened by NOAA Fisheries to review the Russell report, look at other measures, including but not limited to technology, define both the geographic (boundaries) and temporal (i.e., limits, time and duration) of operational measures and next steps. A copy of the presentation is available from Pat.Gerrior@noaa.gov or barussell@erols.com, and is posted on the web at <http://www.nero.nmfs.gov/whaletrp/> During the question and answer periods several issues were discussed. As well several sidebar discussions are also presented:

- Timeframe for action:*** Pat explained that the goal of the working group is to report out to NOAA management sometime this fall. There are regulatory authority and approach issues that must be worked out with the Coast Guard. The Navy and other agencies are also involved. New legislative authority and approvals by IMO are also considerations. Senator Kerry and Congressman Delahunt introduced a bill last year that calls for interagency cooperation and action. A project management plan/critical path is being developed.
- The areas in which measures would be imposed and the time and duration of any measures.*** Pat Gerrior emphasized that the working group is trying to define these areas and the duration of any measures as tightly as possible. The data and analysis will be published in a technical report. It was noted that mariners would be advised via Coast Pilot when and where measures would be imposed so that they could plan their voyages accordingly. (In follow-up discussions it has become evident that many mariners are reacting to the measures themselves and do not understand that most of the measures have specific seasonal applications. Indeed a concern for the impact on cruise ships calling in New England ports during the summer months may be unfounded, as right whales are well north of many of the areas of concern). The Ship Strike Committee will prepare a chartlet showing proposed measures, areas, time and duration.
- The issue of compliance and enforcement was discussed.*** The example of MSR compliance and enforcement and the recent Coast Guard enforcement action (potential \$27,500 fine) against a vessel operator for failing to file an MSR report raised a broad range of concerns.
- Where did the recommendation for the 10-knot speed restriction in the Russell report come from?*** As lead author of the Russell report, Bruce Russell assumed sole responsibility for

this recommendation. Indeed, he explained as part of the Ship Strike Committee process all participants were encouraged to submit their own recommendations on speed restrictions and other issues. Written comments are appended to the Russell report or as part of the Implementation team's letter forwarding the Russell report to NMFS. Bruce Russell described the rationale for this recommendation;

- 1) While routing away from known whale locations is the preferred measure, there are circumstances when this is not possible. When there are no other options that are available, one must look at the potential for slowing vessels down to reduce risk. There are several reports that indicate slower speed reduces risk: Amy Knowlton of the New England Aquarium and co-chair of the Ship Strike Committee discussed the findings of a hydrodynamic modeling study performed in collaboration with MIT.
- 2) On the basis of these studies (a synopsis of these studies is in the March 2000 Ship Strike Committee discussion draft prepared for the April 2001 Coast Guard Academy workshop), Russell then looked at how speed restrictions could be imposed. Russell indicated that there was a lively discussion among mariners about this, some argued that Rule 6 of the COLREGS should apply--mariners should determine on their own what "safe speed" is. The International Collision Avoidance Regulations (COLREGS) "Rules of the Road" require that mariners operate at a safe speed to avoid collisions. Russell explained that it was his understanding the COLREGS are designed to provide guidance between two ship drivers and NOT between a ship and a right whale. Thus it is the responsibility of the resource agency, in this case NMFS, to define safe speed to minimize the risk to the right whales.
- 3) Finally there is a concern expressed about slowing ships and limiting their ability to maintain safe steering. After interviewing several mariners and discussing safe steering with a professor of naval architecture and marine engineering at MIT, he found that all ships operating in east coast waters could maintain safe steering at 10 knots.
- 4) Because the studies indicate slower speeds may prevent or reduce serious mortalities, Russell recommended the slowest safe speed, 10 knots that ships could go and maintain safe steering.

Economic Analysis: Hauke Kite-Powell, Woods Hole Oceanographic Institute, Marine Policy Center presented the findings from his economic analysis of the measures in the Russell report. His April 2002 report is available at <http://www.nero.nmfs.gov/whaletrp>. The study analyzed ranges of impacts based on several scenarios (e.g. vessels speeds 8,10, 12, and 14 knots, and varying distances and duration's) for impacted US East Coast ports. Also presented are per ship costs calling at each port as well as annualized ship operating costs. Concerns were expressed that some of Dr Kite-Powell's assumptions need to be refined. He welcomed additional data and offered to work with shipping companies to better refine his model. A concern was expressed that he had not modeled the impact of the measures on a port community due to port dislocations (a company deciding to ship cargo through another port). Dr. Kite-Powell discussed the next phase of his work, which will examine the potential for port dislocations by studying recent historical dislocations due to economic factors. NOAA Fisheries, MASSPORT and the Ship Strike Committee agreed to convene a small working group to collectively review and provide input to Dr Kite-Powell's work. Finally there was a concern raised that contrary to what he is assuming many vessels will take the high-risk strategy. In sidebar conversations this may be

related to existing contractual arrangements between a vessel operator and a customer that do not account for the delays. The Ship Strike Committee will study this matter.

Risk Assessment: Dr Kite-Powell presented preliminary findings for the ongoing risk assessment for the Great South Channel. Based on this preliminary modeling, his group is finding that there may be as many as seven opportunities for a right whale ship interaction in the Great South Channel every year. While the model is currently limited as a model in two dimensions only, it can provide insight into various risk reduction strategies. It was suggested that he model ships transiting through the entire Great South Channel and compare this to ships transiting only in the channel to see what level of risk reduction might occur.

NEIT update: The Northeast Implementation Team (NEIT) will hold a meeting on 31 October 2002, following the Right Whale Consortium meeting at the New Bedford Whaling Museum.

Technology update: The Right Whale Consortium will hold its annual meeting held on October 29 and 30, 2002. at the New Bedford Whaling Museum in (surprise) New Bedford, Massachusetts. This is a good meeting to learn about right whale R&D.

If you would like to know more about the meeting or agenda contact Amy Knowlton at aknowlton@neaq.org. The meeting is open to everyone; there is a \$35.00 registration fee to cover expenses.

Jim Miller, URI and Farsounder, Inc. presented an update on his forward-looking sonar R&D. The system is capable of detecting whales ahead of a vessel. A copy of his presentation is available on the web site <http://www.nero.nmfs.gov/whaletrp/>.

Douglas P. Nowacek, Ph.D. was unable to attend the meeting, but provided the following update on his research. (Doug will present at Right Whale Consortium meeting. "Using a multi-sensor digital acoustic recording tag we have measured the response of North Atlantic right whales to several types of playbacks: i) natural sounds (i.e., right whale social sounds); ii) vessel noise; iii) silence; and iv) alarm signal. With this tag we are able to measure an individual whale's movements (pitch, roll, and heading), its depth, and the sounds it hears and produces. In 2000 and 2001 we exposed tagged whales to natural sounds, vessel noise, and silence, and while some detailed analyses of those data are still not completed we have seen no overt responses to vessel noise exposure or silence. We are also analyzing the whales' behavior while in the presence of passing or approaching vessels, but we have not yet observed any overt responses in those situations either. The whales often respond to natural sounds with cessation of fluke strokes and transient changes in heading towards the source. In July and August 2002 we added the alarm signal to the repertoire of playback stimuli, and the results of these experiments will be available in the coming weeks. 6 September 2002."

Dr. Chris Clark, Cornell University was unable to attend the meeting, but provided an update on his research in right whale acoustic detection. . A copy of his presentation is available on the web site <http://www.nero.nmfs.gov/whaletrp/>.

Joe Pelczarski recommended that NOAA Fisheries establish a technology advisory group similar to the fishing gear advisory group. Pat Gerrior and Bruce Russell agreed to take this recommendation to the NOAA Fisheries working group.

SAS Surveys: Tim Cole of the NOAA Fisheries, Northeast Fisheries Science Center manages the Sighting Advisory System (SAS) (aerial survey program). He provided a broad overview of the program, the system of faxes and e-mails distributed and how this information is disseminated through the Coast Guard Notice to Mariners, NAVTEX and MSR system. A copy of his presentation is available on the web site <http://www.nero.nmfs.gov/whaletrp/>.

Whale Watch regulations: Diane Borggaard NOAA Fisheries, Northeast Region provided an update on the project to develop whale-watching regulations. An Advance Notice of Proposed Rulemaking was issued in January 2000, and the project is still under study. A copy of her presentation is available on the web site <http://www.nero.nmfs.gov/whaletrp/>.

Review of Implementation of Fisheries Regulations: Diane Borggaard NOAA Fisheries, Northeast Region provided background on the Atlantic Large Whale Take Reduction Plan and the DAM (Dynamic Area Management) and SAM (Seasonal Area Management) rules issued earlier this year. Of particular interest to the shipping industry is the dynamic closure of the fisheries in and adjacent to the southern reach of the Boston Approach sea-lane in the Great South Channel earlier this year. Had a similar regulation been in place for shipping this area might have had vessel-operating restrictions imposed. Ms. Borggaard noted that the fishing industry raised this disparity. A copy of her presentation is available on the web site <http://www.nero.nmfs.gov/whaletrp/>.

Work plan for Ship Strike Committee for the next year: Bruce Russell briefly introduced several ideas for discussion:

Merchant mariner education and outreach: Captain Joe Murphy, Mass Maritime Academy reiterated his ongoing concerns that the agency needs to develop several modules as soon as possible. He also reported that the Coast Guard has not yet taken action on MERPAC's recommendation to develop a program for endangered and species.

An outreach program for small ports

An education program for recreational vessels (commercial and private)

A tug and tow program, using a program being developed in the Jacksonville area as a template.

Updating the Coast Pilot. In a sidebar meeting it was agreed that the Ship Strike Committee would convene a small working group to go over current entries, review information gaps that have been identified for example in the SAS program and develop a simple strategy for updating the Coast Pilot. It was noted that there are no current entries for the mid-Atlantic.

A review of the implementation of the ISM Code.

We advised the participants that we would be conducting short briefings in other port areas and possibly to other industry associations. We also agreed to hold another meeting as soon as the working group report is completed and approved. The meeting was adjourned at 3:30.

Bruce Russell & Amy Knowlton
Co-chairs

Attachments
Agenda
Participants list

**Ship Strike Committee Meeting
Northeast Implementation Team
9 September 2002
Massachusetts Port Authority s Black Falcon Terminal
10 AM to 4 PM**

Agenda

9:45-10:00 sign in

10:00-10:10 Welcome & Introductions - Bruce Russell & Amy Knowlton, co-chairs SSC

10:10-10:45 Status of NMFS review of Report on Recommended Measures to Protect the Northern Right Whale from Vessels - Pat Gerrior, Ship Strike Coordinator, NMFS Northeast Region

10:45-11:00 Questions & Answers

11:00-11:30 Economic Aspects of Right Whale Ship Strike Management Measures - Hauke L. Kite-Powell Woods Hole Oceanographic Institution

12:30-11:45 Status of Risk Assessment - Hauke L. Kite-Powell Woods Hole Oceanographic Institution

11:45-12:00 Questions & Answers

12:00-12:30 Update on Research- J. Miller URI & D. Potter, NMFS , C. Clark, D. Nowachek

12:30-1:30 Break

1:30-2:00 SAS Aerial Surveys: Information needs, and public information - Tim Cole, NMFS Northeast Fisheries Science Center

2:00-2:10 Status of ANPRM on whale watching - Diane Borggaard, NMFS Northeast Region

2:10-2:30 Review of implementation of fisheries regulations - Diane Borggaard, NMFS Northeast Region

2:30-3:30 Discussion of current plans of this next year's work plan for the Ship Strike Committee

- * continuation of expansion of our outreach and education activities to the mid Atlantic
- * Merchant Mariner Education
- * Update Coast Pilot (and new entries for mid Atlantic)
- * ISM Code
- * Outreach and education - tugs and tows
 - small ports
 - recreational & small comm. recreational vessels (charter & head boats)

Participants List

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