

Sector Boston Right Whale Policy & Guidance

Large numbers of North Atlantic right whales are present along the coastal waters of Massachusetts. The North Atlantic right whale is one of the rarest species of whale and is protected by the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. With as few as 450 individuals remaining, this species is dangerously close to extinction. Due to the right whale's black skin, lack of a dorsal fin and its tendency to lie just below or on the water's surface, this whale is very difficult to see. For these reasons, vessels shall exercise caution when transiting these areas. If you find yourself on a collision course with a right whale, maneuver to avoid collision, and reduce to a slow, safe speed.

WHALESNORTH Mandatory Ship Reporting Area:

Commercial vessels displacing 300 gross tons and greater are required to report when they enter the WHALESNORTH Reporting Area. Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at 42°39' N, 70°37' W; then northeast to 42°45' N, 70°13' W; then southeast to 42°10' N, 68°31' W; then south to 41°00' N, 68°31' W; then west to 41°00' N, 69°17' W; then northwest to 42°05' N, 70°02' W, then west to 42°04' N, 70°10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42°39' N, 70°37' W.

The WHALESNORTH reporting system is collaborative effort between the U.S. Coast Guard and National Oceanic and Atmospheric Administration (NOAA) to protect endangered North Atlantic right whales by eliminating collisions between the species and large commercial traffic. Since July 1999, the U.S. Coast Guard has taken an aggressive approach in educating vessel owners, operators and crew on the proper reporting procedures that must be followed when entering the WHALESNORTH mandatory reporting area.

Whale Alert is a free mobile application approved by NOAA that provides mariners with one stop, up-to-date information pertaining to North Atlantic right whale management and regulations, and displays it on nautical charts. *Whale Alert* was designed with considerable input from the maritime community including the Massachusetts Port Authority, Boston Harbor Pilots Association, NYK Line and the Norwegian and Holland America cruise lines. The International Fund for Animal Welfare provided program expertise and funding. For more information and set-up, instructions can be found at <http://stellwagen.noaa.gov/protect/whalealert.html>.

Agents and masters of vessels entering the port of Boston are encouraged to ensure their vessels make the required notifications. Failure to report the required information may result in civil penalties up to \$40,000 for each violation. Vessels shall make reports in accordance with the format in IMO Resolution A.648(16) General Principles for Ship Reporting Systems and Ship Reporting Requirements.

Methods for Mandatory Ship Reporting for Entering the WHALESNORTH Area:

All vessels of 300 gross tons and greater are required to report when they enter the WHALESNORTH reporting area by utilizing one of the following methods:

- a. Vessels transiting the WHALESNORTH reporting area are required to report their course, speed, date, time, point of entry into the area, destination and ETA, and route information to the Mandatory Ship Reporting (MSR) system via INMARSAT C.
- b. Vessels not equipped with INMARSAT C should report via alternate satellite communications equipment to either RightWhale.msr@noaa.gov or Telex: 48156090

For further information on reporting procedures and to review sample reports, please consult Title 33 Code of Federal Regulations Part 169 or the Mandatory Ship Reporting System web site at <http://www.nmfs.noaa.gov/pr/shipstrike/msr.htm>

Compliance with Ship Speed Restriction Rule (50 CFR 224.105):

Speed restrictions of ≤ 10 knots or less are effective for vessels of 65 feet in length or greater year around within the area of WHALESNORTH. In addition to reducing speed to a maximum of 10 knots, vessels should: Post lookouts trained in spotting right whales; maneuver around whales, and, if practicable, avoid transits in reduced visibility. Vessels may operate at a speed of greater than 10 knots **only** if necessary to maintain a safe maneuvering speed in an area where oceanographic, hydrographic, and/or meteorological conditions severely restrict vessel maneuverability and the need to operate as such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation is necessary, the following information must be entered in the vessel's logbook: Reasons for deviation; speed at which vessel operated; latitude and longitude at time of deviation; and, time and duration of deviation. The vessel's Master must sign and date the logbook entry. For information regarding speed restriction areas see "Speed Restrictions" at:

<http://www.nmfs.noaa.gov/pr/shipstrike/>

The NOAA Fisheries Service Office of Law Enforcement investigates reported violations of the Endangered Species Act and Marine Mammal Protection Act and violations can be prosecuted either civilly or criminally and are punishable by up to \$100,000 in fines and up to one year in jail per violation.

500 Yard Minimum Approach Regulation:

The Minimum Approach Rule found at 50 CFR 224.104(c), prohibits approaching or remaining within 500 yards of a right whale. If within 500 yards of a right whale, vessels must steer a course away from the whale and immediately leave the area at a slow, safe speed. An exception of this rule is if compliance with the rule would create an imminent threat to a person or vessel.

For more information on reducing ship strikes to North Atlantic right whales, go to

<http://www.nmfs.noaa.gov/pr/shipstrike/>

Method for Reporting Strikes, Carcasses, Entanglements, and Sightings:

Any whale sightings or accidental collisions with a whale should be reported immediately to the Coast Guard on Channel 16 VHF-M or via telephone at (617) 223-5757 and to NOAA at 877-WHALE-HELP. The following information should be provided:

- a. Location
- b. Date and Time
- c. Speed of the Vessel
- d. Size of the Vessel
- e. Water Depth
- f. Wind Speed and Direction
- g. Description of Impact
- h. Fate of the Animal
- i. Size, if known