

Fast Ships and Slow Progress

The Plight of North Atlantic Right Whales

September 2008



North Atlantic Right Whale

*H*unted nearly to extinction by the early twentieth century, the North Atlantic right whale is one of the world's most endangered marine mammals. Only about 350 individuals exist. They currently make their home in the heavily trafficked waters of the Eastern seaboard. The National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) have determined that the loss of even one of these animals brings the species appreciably closer to extinction. Nevertheless, there have been an unprecedented number of right whale deaths and serious injuries in the past five years. The vast majority of these deaths have been human-caused, and vessel strikes are the leading cause of mortality for the species.

Government Responsibility for Protection

Although NMFS has known for some time that vessel strikes pose a significant risk to right whales, rulemaking to slow large vessels down and protect this critically endangered species has been hard-fought. In 2004, NMFS proposed using its authority under the Endangered Species Act and Marine Mammal Protection Act to place speed restrictions on large vessels entering and exiting US ports. The scientific and conservation communities applauded the step forward and encouraged immediate action, but bureaucratic delay resulted in continued whale deaths.



*Right whale calf struck off Georgia in December 2006
Photo: New England Aquarium*

Following rule-making petitions and in the midst of a federal court lawsuit, NMFS issued a proposed rule in June 2006 to impose a 10 knot speed restriction in areas where whales are known to gather in numbers along the East Coast, at the entrances to major shipping ports. Despite the dire status of the species, the Office of Management and Budget intervened in the rule-making, causing even further delays.

Ship Traffic Increasing in Right Whale Habitat

The East Coast of the US is home not only to endangered right whales, but also some of the busiest shipping lanes in the world. Since 2004, when NMFS first proposed regulations to slow ships down, 19 right whale deaths and

serious injuries have been documented. Studies indicate that US ports have been growing by seven percent each year since 1990, and port traffic volume will at least double by 2020, putting endangered whales at even greater risk from ship strikes. The Bush administration has recently called for an expansion of Short Sea Shipping on the East Coast, which would significantly increase cargo and passenger ship traffic near the shore along the right whale's migratory path.

Final Rule Falls Short of Needed Protections

On August 25, 2008, NMFS issued a Final Environmental Impact Statement indicating the measures expected to be implemented to help protect the endangered North Atlantic right whale. These include requirements for ships to slow down to 10 knots (~11.5 mph) in areas where right whales migrate, calve, and feed. However, the preferred measures outlined by NMFS represent a weakening of the regulations proposed by the Bush administration more than a year ago. Of primary concern is the government's plan to have final regulations go away after five years, even as ship traffic increases, unless additional rule-making is completed. This "sunset provision" would require NMFS to complete additional rulemaking to keep necessary protections in place.

Continued Monitoring and Research Needed

While ship traffic increases, funds for the government to monitor and enforce the ship speed requirements are being cut, as are right whale research and survey funds. Ocean Conservancy will be working to ensure that funding for right whale research and monitoring is available, and that the shipping industry complies with the speed restrictions.

For more information...

Ocean Conservancy

www.oceanconservancy.org

National Marine Fisheries Service

www.nmfs.noaa.gov/pr/shipstrike