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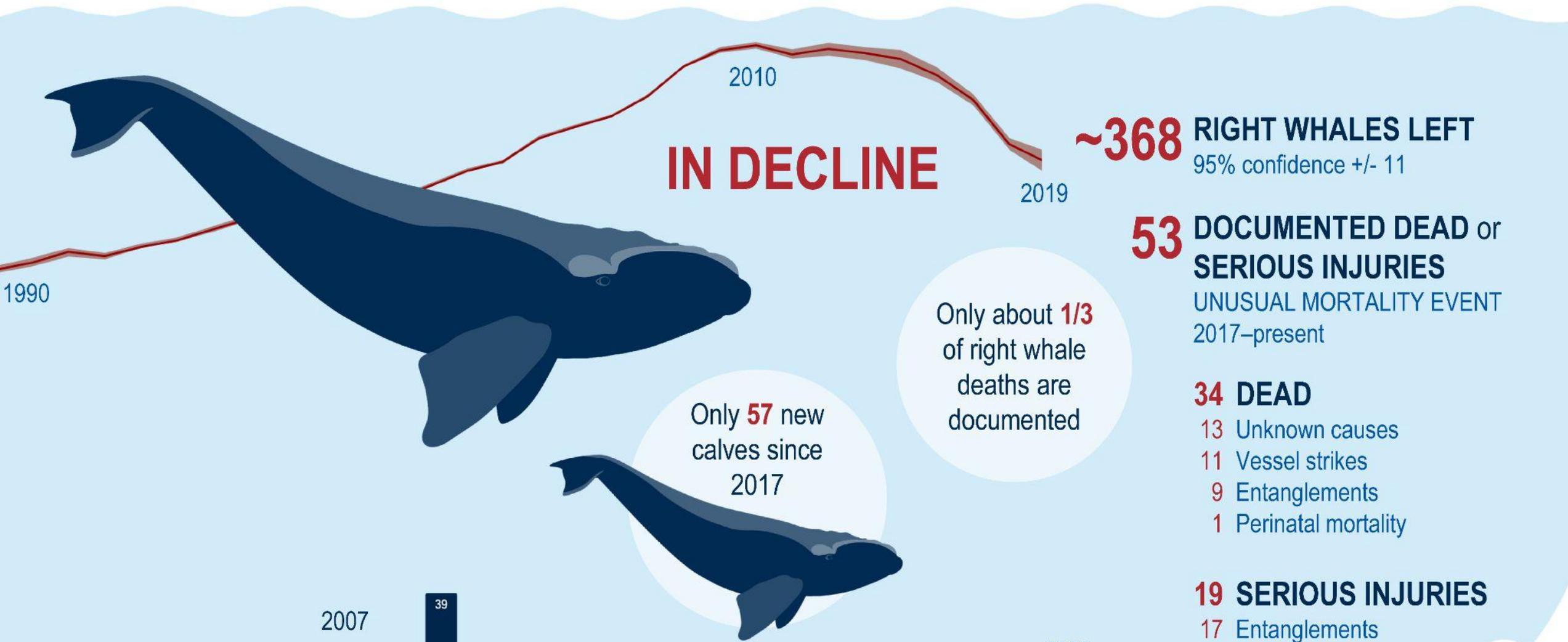
# Proposed Amendments to the North Atlantic Right Whale Vessel Speed Rule



NOAA Fisheries  
Office of Protected Resources

September 2022

# NORTH ATLANTIC RIGHT WHALE



**~368** RIGHT WHALES LEFT  
95% confidence +/- 11

**53** DOCUMENTED DEAD or SERIOUS INJURIES  
UNUSUAL MORTALITY EVENT  
2017–present

Only about **1/3** of right whale deaths are documented

Only **57** new calves since 2017

- 34** DEAD
- 13 Unknown causes
  - 11 Vessel strikes
  - 9 Entanglements
  - 1 Perinatal mortality

- 19** SERIOUS INJURIES
- 17 Entanglements
  - 2 Vessel strikes

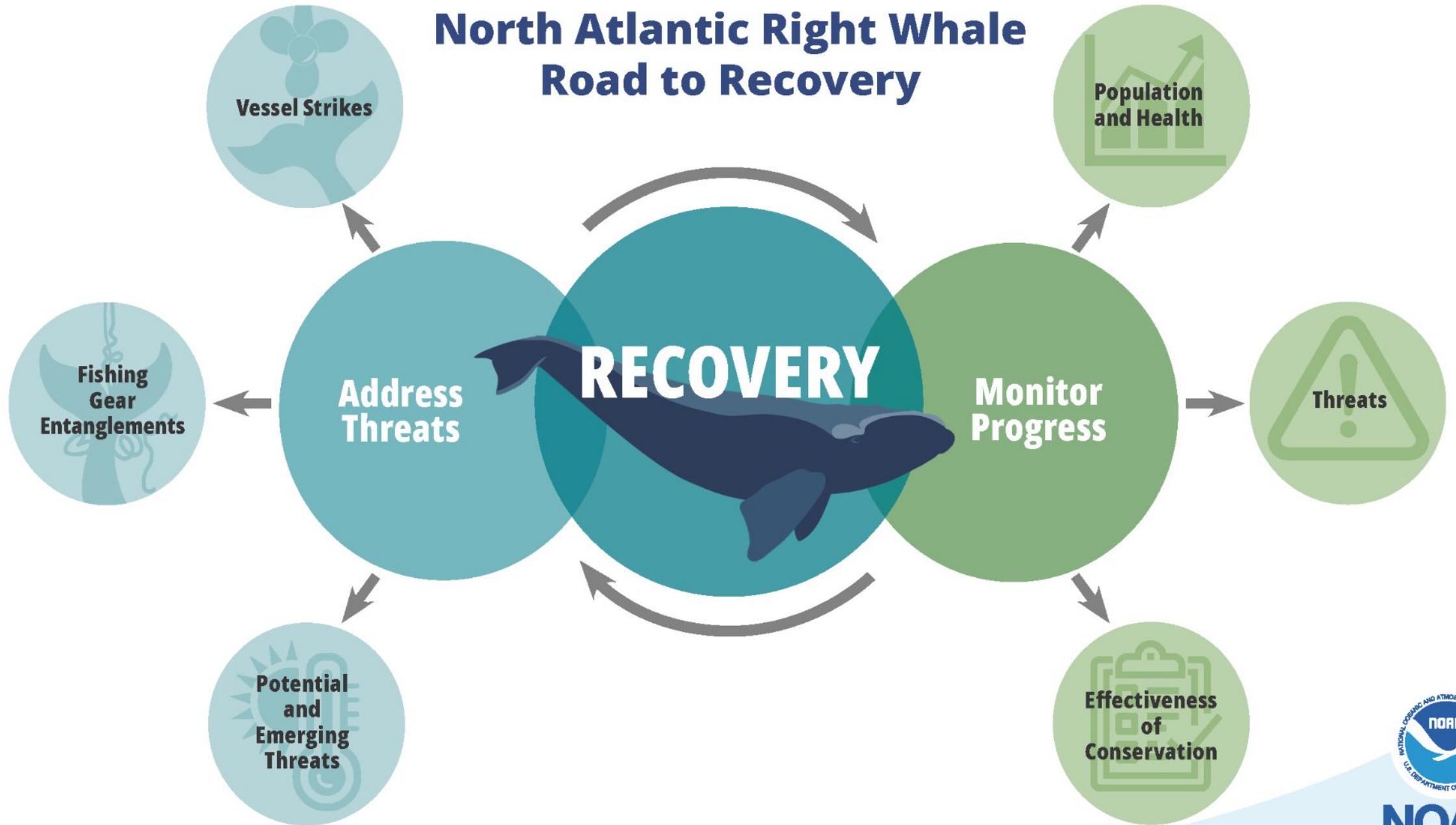


Updated 8/9/2022  
Information pertains to the United States and Canada.  
Abundance graph based on [Pace et al., 2017](#)  
(doi.org/10.1002/ece3.3406) and [NMFS stock assessment reports](#).



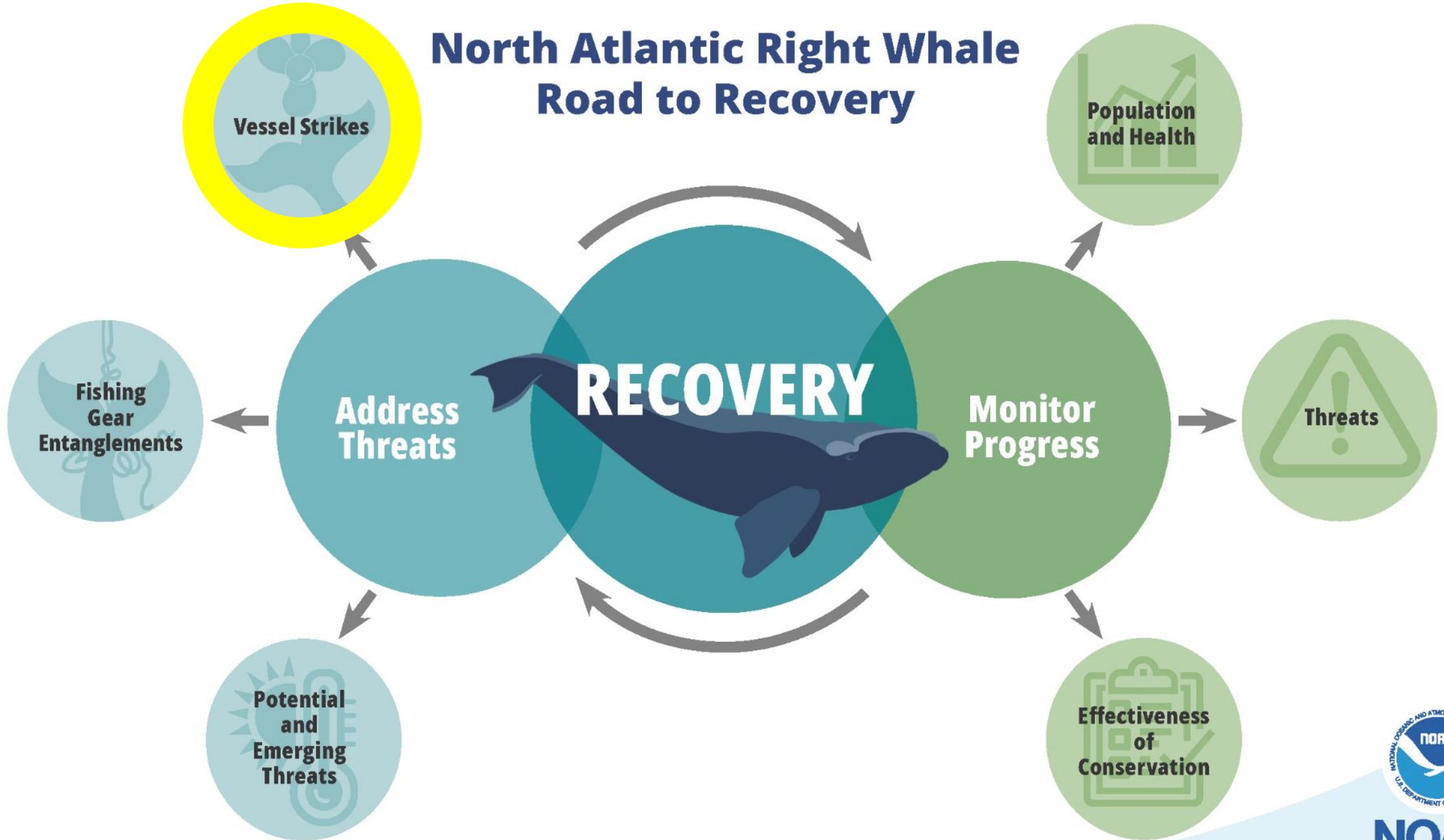
Calves born annually

# North Atlantic Right Whale Road to Recovery



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# North Atlantic Right Whale Habitat in U.S. Waters

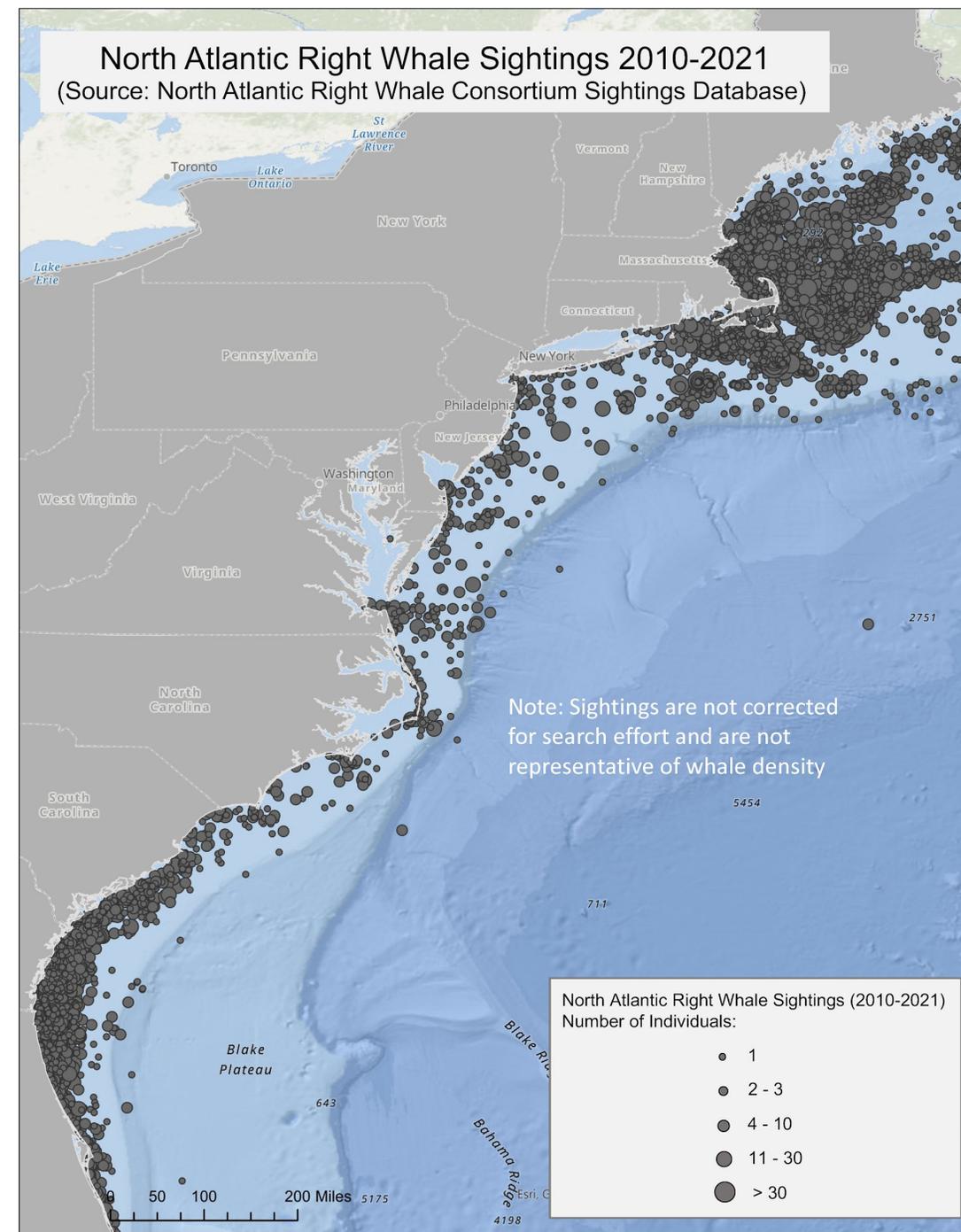
Right whales are present in U.S. waters year-round, but predominante during late fall through early summer.

## Habitat -

- Greater Gulf of Maine Region - foraging habitat
- Mid-Atlantic - migratory and foraging habitat
- Southeast - calving habitat

Right whales are highly vulnerable to vessel strikes -

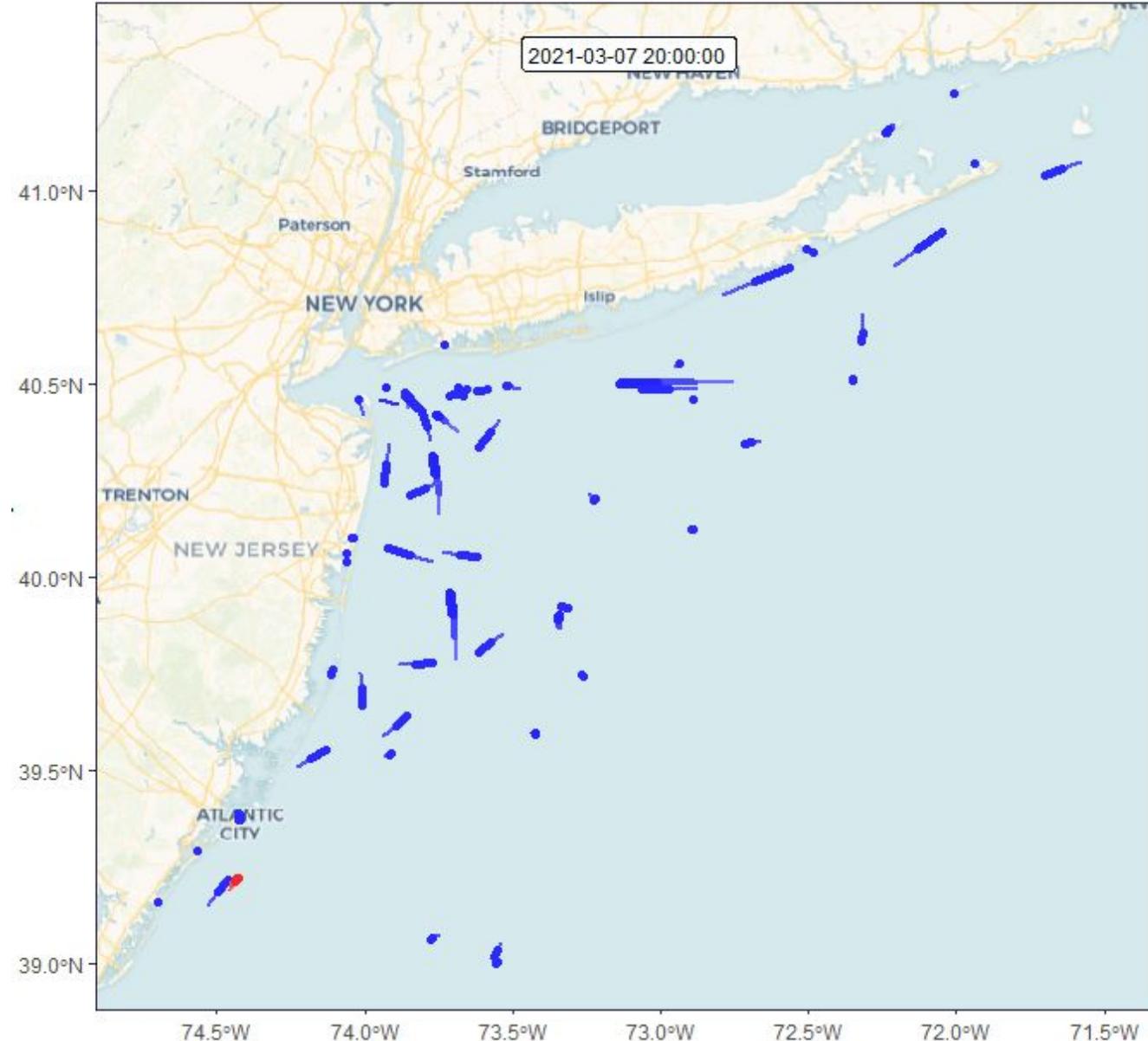
- coastal distribution
- frequency at near-surface depths (especially mother/calf pairs).



# North Atlantic Right Whale Habitat in U.S. Waters

The East Coast is a highly urbanized environment with:

- extremely dense vessel traffic
- busy commercial ports
- extensive commercial and recreational vessel traffic



- Vessel traffic
- Right Whale (1-year old)



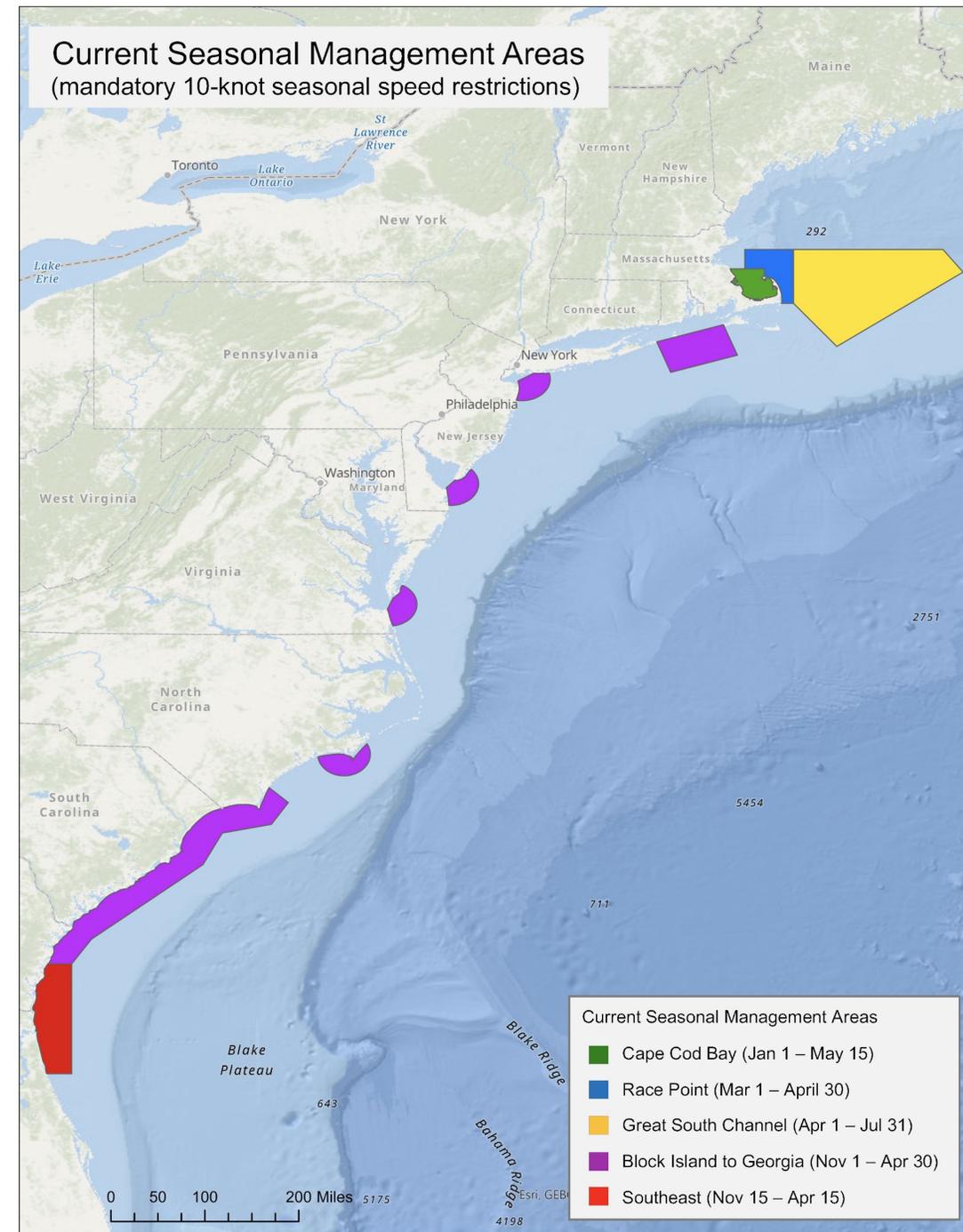
# Current Vessel Speed Rule

## Seasonal Management Areas (SMAs)

- Mandatory, 10-knot speed restrictions for most vessels  $\geq 65$  ft long in specified areas/times off the U.S. East Coast
- Certain vessel categories are exempt, including:
  - Military
  - Federally owned or operated
  - Search and rescue (actively engaged)
  - Enforcement (actively engaged)
- Safety deviation provision - may exceed 10 knots if a vessel encounters conditions that severely impact maneuverability;

## Dynamic Management Areas (DMAs) and Slow Zones

- NOAA Fisheries requests that all vessel transits at speeds 10 knots or less; DMAs/Slow Zones declared when right whales are detected visually or acoustically - outside active SMAs
- Vessel cooperation remains poor



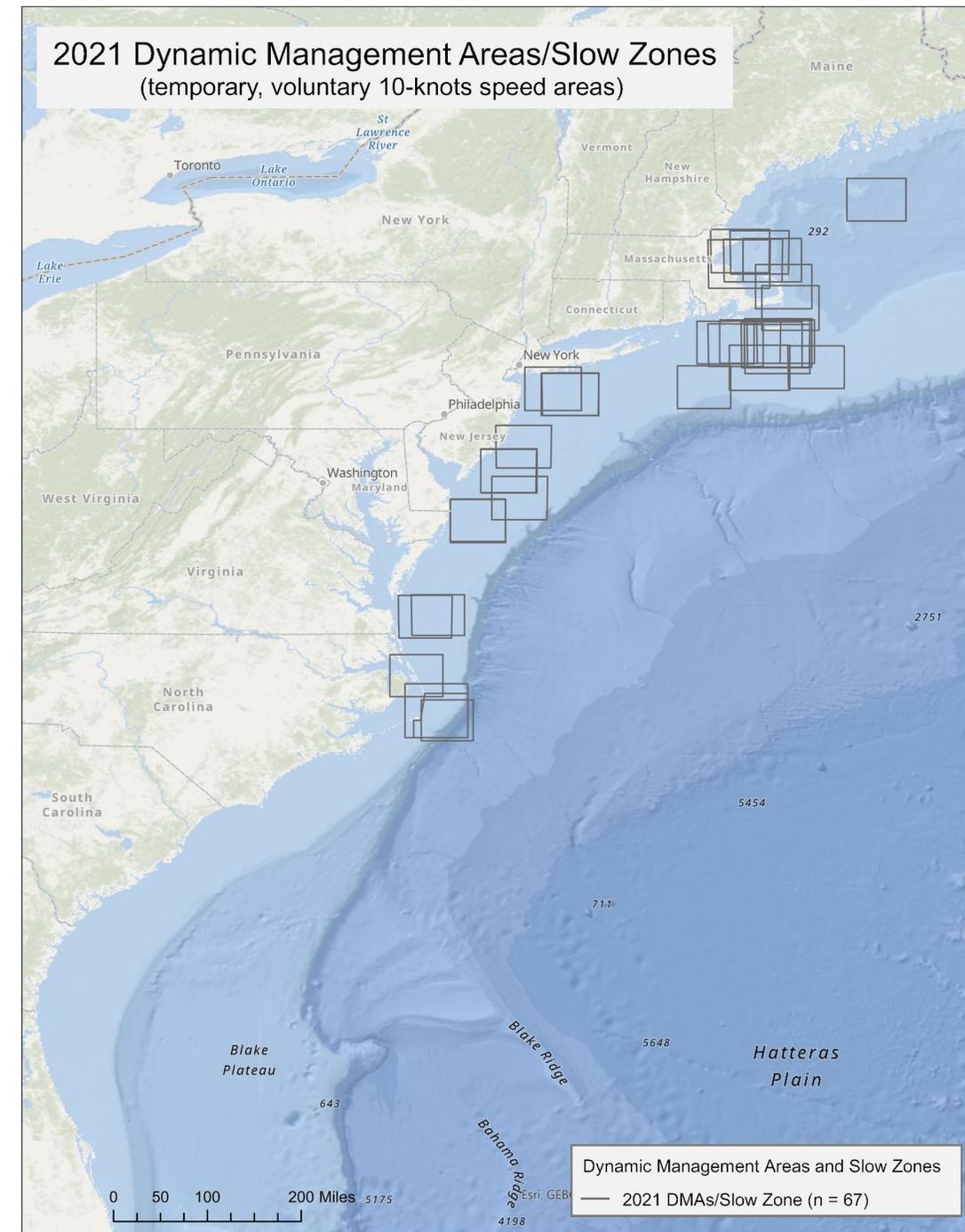
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# Proposed Amendments to the North Atlantic Right Whale Vessel Speed Rule

NOAA Fisheries is proposing four categories of amendments to provide a substantial reduction in lethal vessel strike risk to right whales :

- 1) Changes to spatial and temporal boundaries of Seasonal Management Areas (to be renamed Seasonal Speed Zones).
- 2) Addition of most vessels  $\geq 35$  ft and  $< 65$  ft in length to the size class of vessel subject to regulation.
- 3) Creation of a mandatory Dynamic Speed Zone framework, to provide temporary speed restrictions in areas where right whales are detected outside Seasonal Speed Zones.
- 4) Updates to the safety deviation provision.

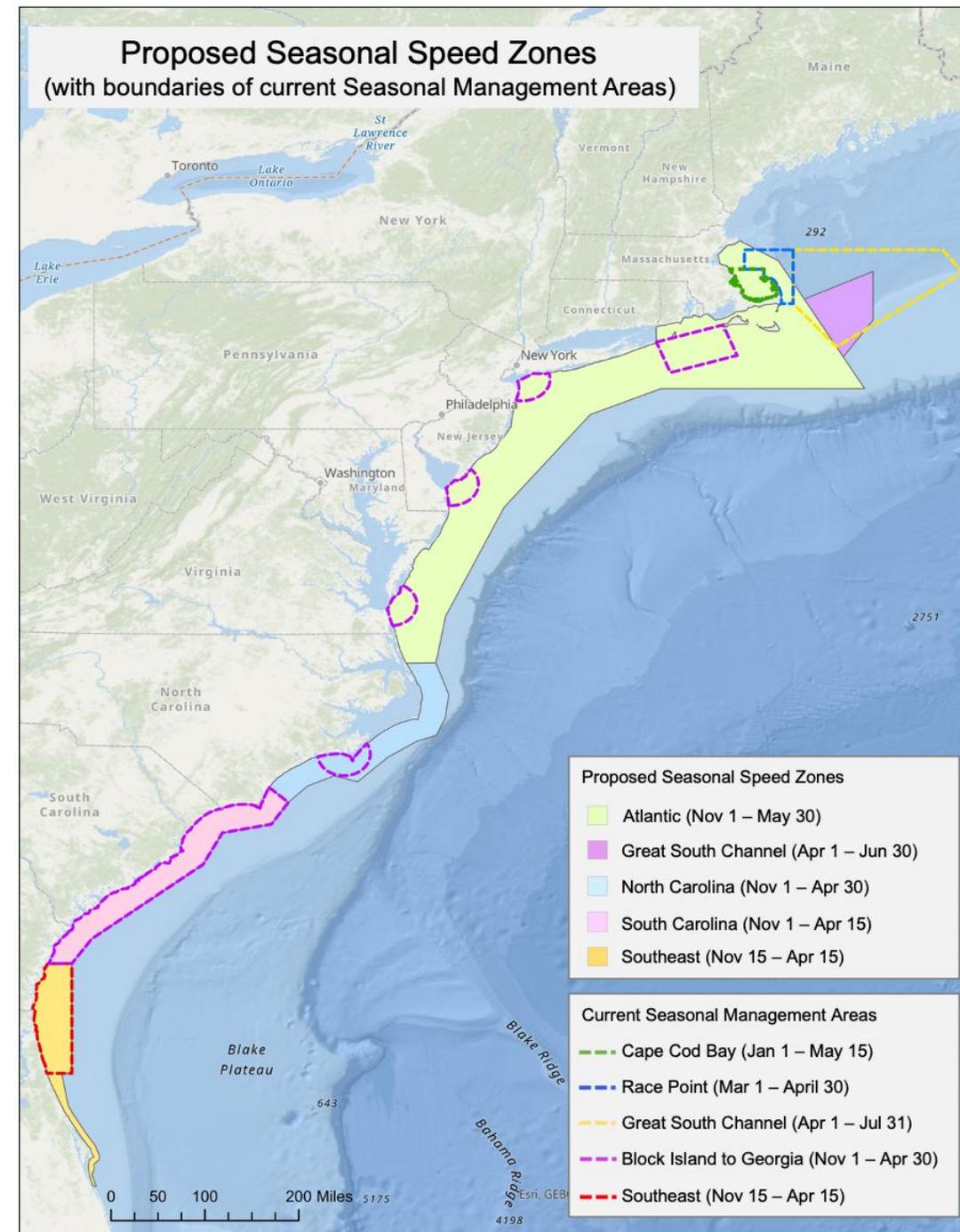


Two-year old North Atlantic right whale (#3508) with propeller cuts to the head. Photo credit: Florida Fish and Wildlife Conservation Commission; NOAA Permit #932-1489

# Proposed Speed Rule Amendments: SSZs

## Seasonal Speed Zones (SSZs)

- Modified distribution and habitat use since 2008 resulting in a misalignment between current protections and areas/times with elevated lethal strike risk
- Developed updated SSZ boundaries and timing informed by:
  - Coastwide vessel strike risk model using the latest data on right whale distribution and vessel traffic characteristics
  - NARW sightings and acoustic data
  - Limited data on vessel traffic 35-65 ft in length
- Also considered future wind energy development and possible US Coast Guard shipping safety fairways
- Proposed changes would approximately double the area under speed restriction along the coast
- Changes disproportionately impact the Northeast/Mid-Atlantic, where substantial strike risk remains unaddressed



## Proposed Speed Rule Amendments: Adding Vessels $\geq 35$ ft to $< 65$ ft

Strike risk from vessels 35-65 ft in length remains an unregulated threat to right whales despite substantial evidence demonstrating the ongoing lethal risk. Vessels  $< 65$  ft in length operating in U.S. waters have reported:

8 right whale strikes  
(6 lethal; 2 non-serious injuries)

6 undetermined large whale strikes (5 lethal)  
that may have involved right whales

In 7 of the 8 right whale strikes, vessel operators  
did not see the whale prior to impact

In some cases vessels sustained significant  
damage

Massachusetts already implements a 10-knot speed restriction for most vessels  $< 65$  ft in Cape Cod Bay each March and April and Canada has a 10-knot speed limit in the Gulf of St. Lawrence for vessels 13 m (42.6 ft) or longer.

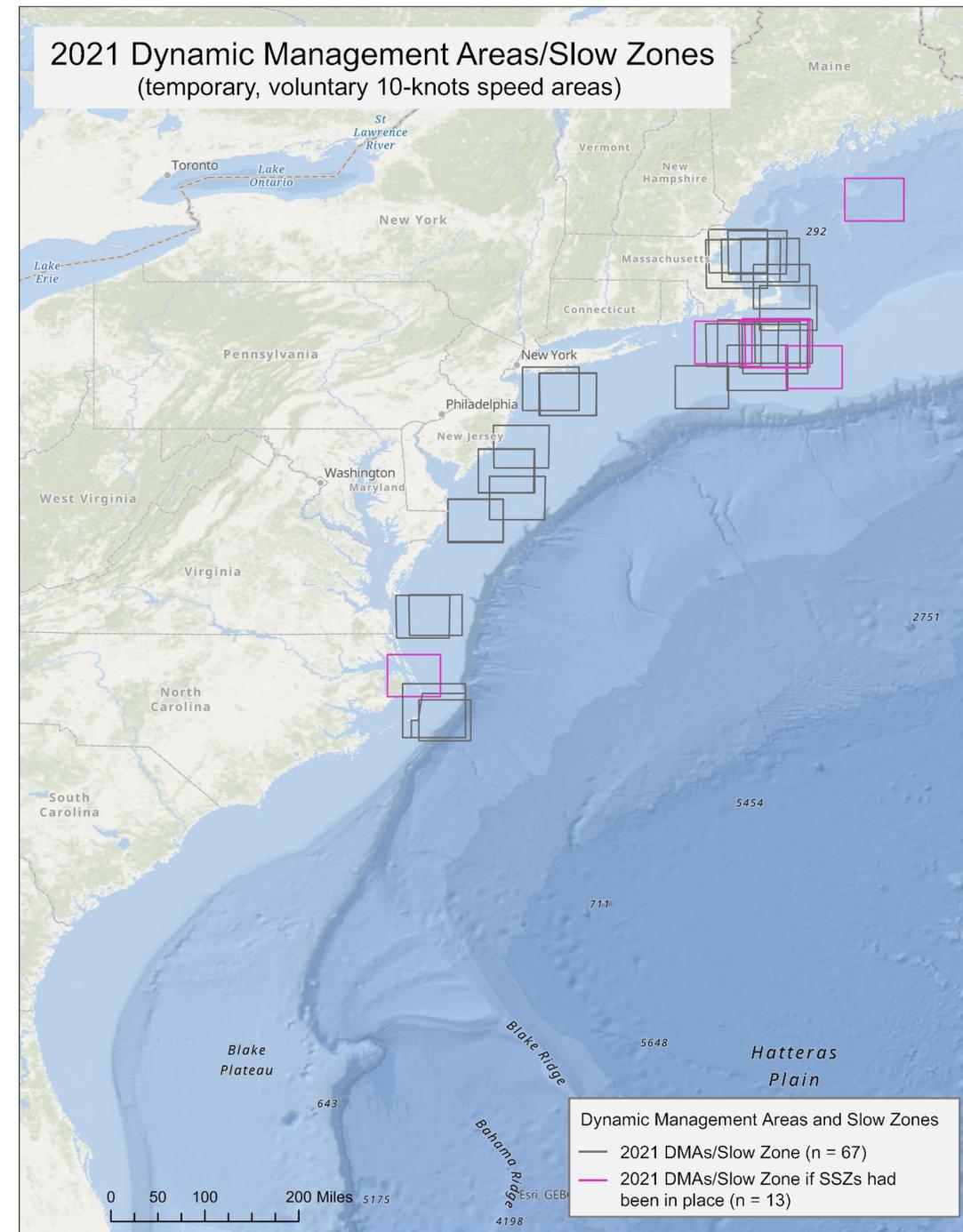


North Atlantic right whale calf killed by a vessel strike off St. Augustine, FL, February 2021. This was the first known calf of “Infinity” (#3230) who was also seriously injured in the same strike event. Photo Credit: FWC/Tucker Joenz; NMFS/NOAA permit 18786

# Proposed Speed Rule Amendments: DSZs

## Dynamic Speed Zones (DSZs)

- Mandatory DSZs are designed to protect right whales outside SSZs in discrete areas over a limited time period.
- DSZs would be triggered when NOAA Fisheries confirms visual or acoustic right whale detections outside active SSZs and determines there is a > 50% likelihood that the whales will remain within the zone.
- Once triggered, DSZs would be announced on the NOAA Fisheries website, USCG Broadcast Notices to Mariners, NWS Alerts, email lists and media/social media outlets.
- Most DSZs are expected to occur in the Mid-Atlantic and Northeast; fewer DSZs are expected to occur relative to current DMAs/Slow Zones
- DSZs would provide flexibility to address strike risk where needed without unduly burdening the regulated community.



# Proposed Speed Rule Amendments: Safety Deviation Updates and Enforcement Considerations

## Safety Deviation Provision

- 1) Expansion of the safety deviation provision to include emergency situations that present a threat to the health, safety, or life of a person;
- 2) Modification of the safety deviation reporting protocols to eliminate the vessel logbook entry in favor of a new requirement for vessels to submit an electronic report to NOAA Fisheries within 48 hours of employing the safety deviation detailing the circumstances and need for the deviation.
- 3) Inclusion of a new provision for vessels 35-65 ft allowing them to transit at speeds in excess of 10 knots within areas where a NWS Gale Warning, or other NWS Warning (e.g., Hurricane Warning) for wind speeds exceeding those that trigger a Gale Warning is in effect. No reporting of these speed deviations would be required; and

## Enforcement

NOAA recognizes the need for enforcement planning in response to the proposed rule changes.

- Upgrading capabilities for tracking vessel speed at sea
- Initiating research of new vessel tracking technologies
- Investigating land based and aerial monitoring options

Started staff level discussions with US Coast Guard regarding possible modification of current AIS carriage requirements to include additional vessel types and sizes.

# 2022 Proposed Speed Rule Amendments: Economic Impacts

Estimated 15,899 vessels impacted

- 59% recreational/pleasure
- 22% ocean-going ships
- 19% commercial, industrial, other

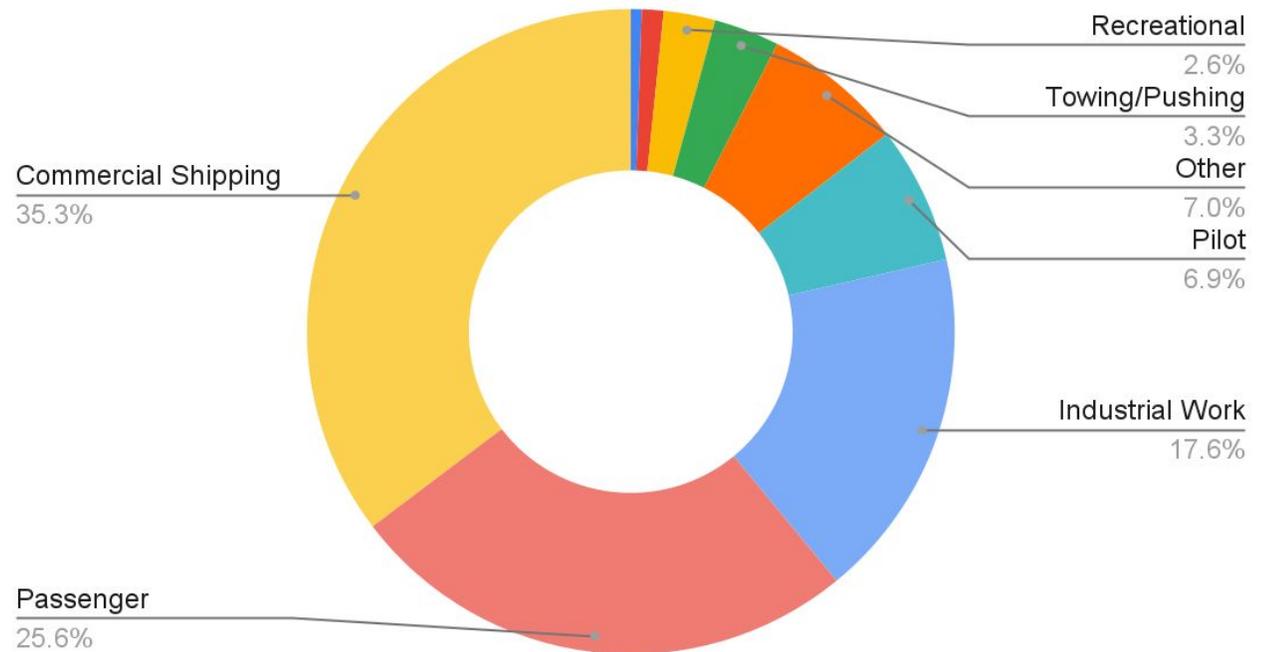


Estimated Cost  
\$46 million/year

- 89% accrue to vessels in the NE/Mid-Atlantic (ME-NC)
- 11% of costs borne by SE (SC-FL)

- Number of affected vessels < 65 ft is likely substantially overestimated.
  - Many vessels < 65 ft in length do not carry AIS devices so we used USCG vessel registration data, and available AIS to estimate vessel activity
- Commercial ships would bear the majority of costs along with passenger/industrial work boats.
- NOAA Fisheries expects certain vessel types (i.e. commercial fishing and sailing vessels) would be less impacted because the majority transit at speeds less than 10 knots;

Total Estimated Yearly Costs by Vessel Type



## 2022 Proposed Speed Rule Amendments: Next Steps

- Aim to finalize changes to the mandatory speed rule as soon as possible.
- Plan to work closely with the maritime community to minimize burdens on regulated vessels while providing essential vessel strike risk reduction
- Remain open to future technologies for avoiding strike events
- Status of the right whale population warrants substantial action to reduce lethal vessel strikes
- For additional information contact: [caroline.good@noaa.gov](mailto:caroline.good@noaa.gov)



Right whale #4540 with fresh propeller cuts as a calf off Georgia, 2013. Photos by Clearwater Marine Aquarium Research Institute, taken under NOAA permit #15488.