SUMMARY OF RECENT LARGE WHALE ENTANGLEMENT AND STRANDING INCIDENTS IN THE SOUTHEASTERN UNITED STATES

SUMMARY

This winter an unprecedented number of entangled right whales have been reported off the coasts of Georgia and Florida. Six large whale (three humpback and three right whale) strandings have also occurred this winter. Since December, five right whales have been observed with entanglements, four of them life-threatening. Three of the whales have been successfully disentangled, but two others still have unresolved life-threatening entanglements. All of the entanglements include wraps in or around the mouth of the whale and most involve significant amounts of rope. These entanglements represent more than twice the number usually seen in the Southeast U.S. during right whale calving season, which spans from November 15 through April 15.

A comprehensive and thorough analysis of the gear recovered from all of these entanglements is ongoing. However, gear removed from one whale has been preliminarily identified as Canadian lobster gear.

With only 300-400 in existence, North Atlantic right whales are among the most endangered whales in the world. North Atlantic right whales spend their summers feeding in New England and Canadian waters. Right whales are plankton feeders, straining mouthfuls of small organisms from seawater through baleen, which hang from the upper jaw. Each winter, right whales travel to the shallow, protected waters off the southeast United States to give birth to their calves in the only known calving area for the species.

They are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. Vessel strikes and entanglement in fixed fishing gear are the two greatest threats to their recovery. Scarring patterns on known individual right whales indicate that a minimum of 72% of the entire population exhibit signs of having been entangled in fishing gear at some point in their lives.

RIGHT WHALE ENTANGLEMENT EVENTS

RW #3294

- First observed entangled on December 08, 2008, ~ 16NM off FL/GA border; no response due to sea conditions.
- Entanglement consisted of a rostrum and body wrap, thought to involve the mouth due to rostrum wrap, but never seen exiting the mouth.
- The animal was observed again on December 18, 2008. A team from GA-DNR responded and was able to deploy a telemetry tag on one of the lines and cut the other two lines short.
- On December 19, 2008, the tag was recovered with ~ 440 ft. of line; ~ 800 ft. of line was removed in total.

- The animal was observed again on February 01, 2009, and was confirmed to be gear-free.

Calf of RW#1701

- The animal was first observed entangled on December 26, 2008, off Crescent Beach, Florida. A response by FWC was initiated, a telemetry tag was deployed and ~ 360 ft. of trailing line was removed. Telemetry tag malfunctioned and did not transmit.
- Entanglement consisted of two lines exiting each side of the mouth and forming a bridle by coming together in a knot approximately 3/4 of the way back on the animal's back, then trailing back ~ 300-400 ft.
- On December 27, 2008, a team from GA-DNR and FL-FWCC responded; switched out malfunctioning telemetry tag, and made a cut on the lines exiting the left side of the mouth.
- On December 28, 2008, the tag was recovered with ~ 100 ft. of line; ~ 680 ft. of line was removed in total.
- The animal was observed again on January 04, 2009, and was confirmed to be gear-free.

RW #3311

- The animal was first observed entangled on January 14, 2009, off Brunswick, GA. A response by GA-DNR was initiated, a telemetry tag was deployed, a biopsy was obtained, and ~560 ft. of trailing line was removed.
- Entanglement consists of two lines coming out of the right side of the mouth and going over the rostrum, joining into a tangle of lines on left side of head. There are also multiple lines coming out of the left side of the mouth, cutting into the left lip, and then merging into the tangle of lines on left side of head. The line trails behind the animal ~ 300 ft.
- Disentanglement attempts occurred on January 22, 23, and February 01, 2009. Due to the whale's evasive behavior, these attempts were unsuccessful and the whale is still entangled and being monitored.

RW #3420

- The animal was first observed entangled on January 31, 2009, off southern GA/northern FL. The GA-DNR/Coastwise Consulting initiated a response, and a telemetry tag was deployed. The telemetry tag has not functioned properly since deployment.
- The entanglement consists of one line exiting the left side of the mouth, going over the head, behind the blowholes, and down the right side of the body, thought to involve the right flipper, and then trail behind the animal, approximately one whale length.

Calf of RW#2614

- On January 5, 2009, the whale was observed without entanglement, and was first observed entangled on February 07, 2009, ~ 20 NM ESE of Brunswick, GA.

- A GA-DNR team responded and was able to deploy a telemetry tag to the longer of the two trailing lines. They also removed a short piece of the trailing line for gear analysis.
- Entanglement consists of two lines trailing behind the animal, one short and the other slightly longer (20-30 ft.). One line goes straight to the right side of the mouth and the other goes to either the left lower mouth or left flipper. There also appears to be a line across the rostrum. The line is described as a black line that is estimated to be 3/8" diameter.
- On February 12, 2009, a disentanglement attempt was mounted. The team was able to cut the line going over the rostrum. The remaining lines from the mouth were also shortened and it is believed that the whale will shed these lines over time.
- We are awaiting confirmation that the whale is completely gear free, but the case is considered closed at this time.

RIGHT WHALE LIVE STRANDING EVENTS

Avon, North Carolina

- One perinatal calf stranded live and was subsequently euthanized on December 16, 2008. There were no signs of human interaction.

Cape Lookout, North Carolina

- The young whale had entanglement scars on its peduncle, flukes, and flipper. These entanglement lesions were present since the summer of 2007 and were almost completely healed.
- The whale was in very poor condition and was dying when it stranded on January 26, 2009.
- Given the length of time on the beach, the remote location, and the poor condition of the animal, release was not an option; the animal was humanely euthanized on January 29, 2009. A necropsy was conducted on January 29-30, 2009.
- Necropsy revealed gross evidence of musculoskeletal changes (scoliosis) in the vertebral column. At this point, it is too soon to tell whether the scoliosis was congenital or acquired. Further analysis of the vertebral column is being conducted.

St. Augustine, Florida

- A right whale calf was reported by the FL-FWCC aerial survey team off St. Augustine Florida on February 18, 2009.
- FL-FWCC towed the carcass to shore and a necropsy was conducted on February 19. The carcass was heavily scavenged with the main body cavity intact. Results are pending.

HUMPBACK WHALE STRANDING EVENTS

Hatteras, North Carolina

- On December 20, 2008, a moderately decomposed, juvenile humpback whale stranded in Hatteras, North Carolina.
- A necropsy was conducted on December 21, 2008. There were no signs of human interaction.

Oak Island, North Carolina

- On February 08, 2009, a moderately decomposed humpback whale washed ashore on Oak Island, near Cape Fear, North Carolina.
- A thorough examination confirmed there was evidence of an entanglement, however; no gear was attached to the animal.
- There was no evidence of blunt force trauma. Due to the advanced state of decomposition it was difficult to determine if the entanglement marks were recent.

Nags Head, North Carolina

- On February 16, 2009, a dead humpback whale was found beached in Nags Head, North Carolina.
- The whale is thought to be a juvenile and showed evidence of entanglement, however, no gear was attached to the animal. Results are pending.

ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS AFFECTING BLACK SEA BASS POT GEAR

BACKGROUND

On October 5, 2007, the National Marine Fisheries Service (NMFS) issued a final rule (72 FR 57104) to amend the Atlantic Large Whale Take Reduction Plan (ALWTRP). The ALWTRP is a program to reduce the risk of serious injury to or mortality of large whales due to incidental entanglement in commercial fishing gear. The plan is required by the Marine Mammal Protection Act (MMPA) and has been developed by NMFS. The ALWTRP focuses on the critically endangered North Atlantic right whale, but is also intended to reduce entanglements of endangered humpback and fin whales and to benefit non-endangered minke whales. Under the protection of the Endangered Species Act, Federal agencies are required to ensure that permitted activities (such as fishing) do not jeopardize the continued existence of any threatened or endangered species. Since the ALWTRP measures are intended to reduce entanglements of right, humpback, and fin whales in fishing gear, these measures also help to avoid the likelihood that federally permitted fishing activities will cause harm to or jeopardize the continued existence of these whales.

The October 2007 final rule implemented broad-based gear modifications to replace the existing programs designed to protect aggregations of right whales. This broad-based gear modification strategy includes expanded weak link and sinking groundline requirements; additional gear marking requirements; changes in boundaries; seasonal restrictions for gear modifications; expanded exempted areas; and regulatory language changes for the purposes of clarification and consistency. The ALWTRP affects specific Category I and Category II fisheries, as described in the MMPA 2009 List of Fisheries, and includes the following:

- Northeast/Mid-Atlantic American lobster trap/pot; (Cat I)
- Atlantic blue crab trap/pot; (Cat II)
- **Atlantic mixed species trap/pot which includes, but is not limited to: crab (red, Jonah, and rock), hagfish, finfish (black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), and white hake), conch/whelk, and shrimp; (Cat II)**
- Northeast sink gillnet; (Cat I)
- Northeast anchored float gillnet; (Cat II)
- Northeast drift gillnet; (Cat II)
- Mid-Atlantic gillnet; (Cat I)
- Southeastern US Atlantic shark gillnet (Cat II); and
- Southeast Atlantic gillnet. (Cat II)

Below is a summary of the ALWTRP regulations as they apply to **South Atlantic black sea bass trap/pot fishery only**.[1] Regulations under the ALWTRP apply to multiple other fisheries and areas outside of SAFMC jurisdiction. This document should be used only as a reference for ALTWRP regulations affecting the South Atlantic black sea bass pot fishery. Interested and affected parties participating in other fisheries managed under the ALWTRP can find all regulations at 50 CFR 229.32 or at the whale take reduction plan website http://www.nero.noaa.gov/whaletrp/plan/2008ALWTRPGuideVs32.pdf.

SOUTHERN NEARSHORE TRAP/POT WATERS

Southern Nearshore Trap/Pot Waters includes all state and Federal waters inside the 100 fathom contour line from 35°30' N. lat. south to 27°51' N. lat. and extending inshore to the shoreline or exemption line [in South Carolina: landward of a line from 32°34.717′ N. lat., 80°08.565′ W. long. to 32°34.686′ N. lat., 80°08.642′ W. long. (Captain Sams Inlet)]. Areas applicable to the South Atlantic region are discussed below.

Requirements Applicable from September 1-May 31 (VA/NC border and 32ºN. lat; Figures 1 & 2):

- Compliance with the **Universal Requirements** in ALWTRP:
  - No buoy line floating at the surface.
  - No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
  - Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
- Compliance with **Gear Marking Requirements** in ALWTRP
  Trap/pot surface buoys to be marked to identify the vessel or fishery with one of the following:
  - The owner's motorboat registration number and/or U.S. vessel documentation number;
  - The federal commercial fishing permit number or whatever positive identification marking is required by the vessel's homeport state.
  - When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
- Buoy lines to be marked with one 4-inch (10.2 cm), **ORANGE**, mark midway along the buoy line.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb.[2]

---

[1] The Bottlenose Dolphin Take Reduction Plan also affects the Atlantic mixed species trap/pot fishery, although there are currently no pursuant regulations on that fishery.

[2] Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

- All groundlines must be made of sinking line effective **April 5, 2009**.

Requirements Applicable from November 15-April 15 (Between 29ºN. lat and 32ºN. lat; Figures 1 & 2):

- Compliance with the **universal and gear marking requirements** (see above).
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb.[3]
- All groundlines must be made of sinking line effective **April 5, 2009**.

Requirement Applicable December 1-March 31 (between 27º 51' N. lat and 29ºN. lat; Figure 2):

- Compliance with the **universal and gear marking requirements** (see above)
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb[3].
- All groundlines must be made of sinking line effective **April 5, 2009**.

[3] Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

Figure 1. Map of the Southern Nearshore Trap/Pot Waters Applicable to South Atlantic BSB Fishers

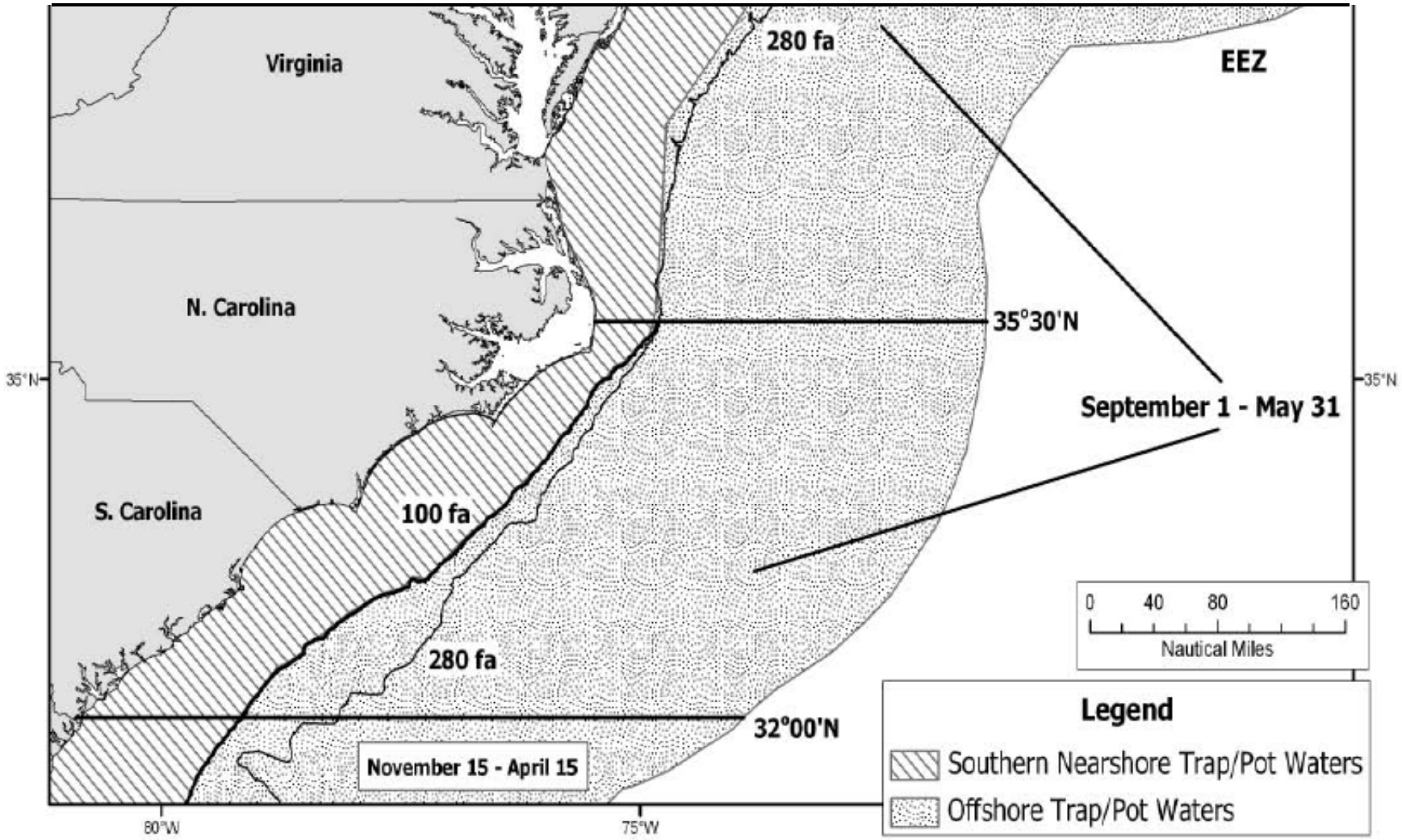
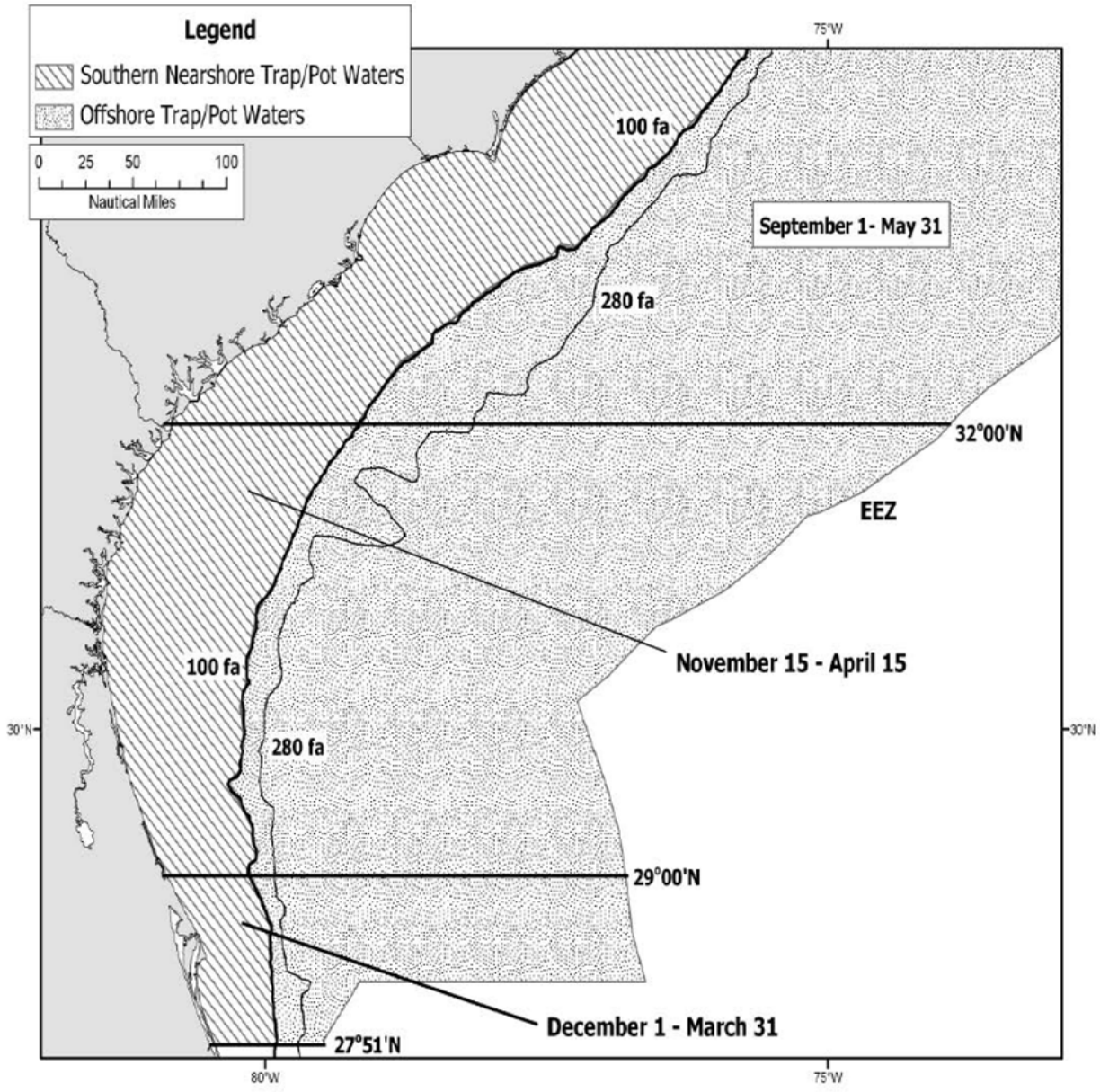


Figure 2. Map of Southern Nearshore Trap/Pot Waters



OFFSHORE TRAP/POT WATERS

Offshore Trap/Pot Waters includes all Federal waters of the EEZ and extending south along the 100-fathom contour line from 35°30' N. lat. south to 27°51' N. lat., and east to the eastern edge of the EEZ. Areas applicable to the South Atlantic region are discussed below.

Requirements Applicable from September 1-May 31 (VA/NC border and 32ºN. lat; Figures 3 & 4):

- Compliance with the **Universal Requirements** in ALWTRP:
  - No buoy line floating at the surface.
  - No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
  - Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
- Compliance with **Gear Marking Requirements** in ALWTRP:
  Trap/pot surface buoys to be marked to identify the vessel or fishery with one of the following:
  - The owner's motorboat registration number and/or U.S. vessel documentation number;
  - The federal commercial fishing permit number or whatever positive identification marking is required by the vessel's homeport state.
  - When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
- Buoy lines to be marked with one 4-inch (10.2 cm), **BLACK**, mark midway along the buoy line.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 1,500 lb.[4]
  - For the red crab trap/pot fishery, weak links with a maximum breaking strength of 2,000 lb[4] are required.
- All groundlines must be made of sinking line effective **April 5, 2009**.

Requirements Applicable from November 15-April 15 (between 29º N. lat and 32º N. lat; Figures 3 & 4):

- Compliance with the **universal and gear marking requirements** (see above).
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 1,500 lb.[4]

---

[4] Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

    - For the red crab trap/pot fishery, weak links with a maximum breaking strength of 2,000 lb[4] are required.
- All groundlines must be made of sinking line effective **April 5, 2009.**

Requirements Applicable from December 1-March 31 (between 27º 51' N. lat. and 29ºN. lat; Figure 4):

- Compliance with the **universal and gear marking requirements** (see above).
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 1,500 lb.[5]
    - For the red crab trap/pot fishery, weak links with a maximum breaking strength of 2,000 lb[5] are required.
- All groundlines must be made of sinking line effective **April 5, 2009.**

[5] Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

Figure 3. Map of the Southern Nearshore Trap/Pot Waters Applicable to South Atlantic BSB Fishers

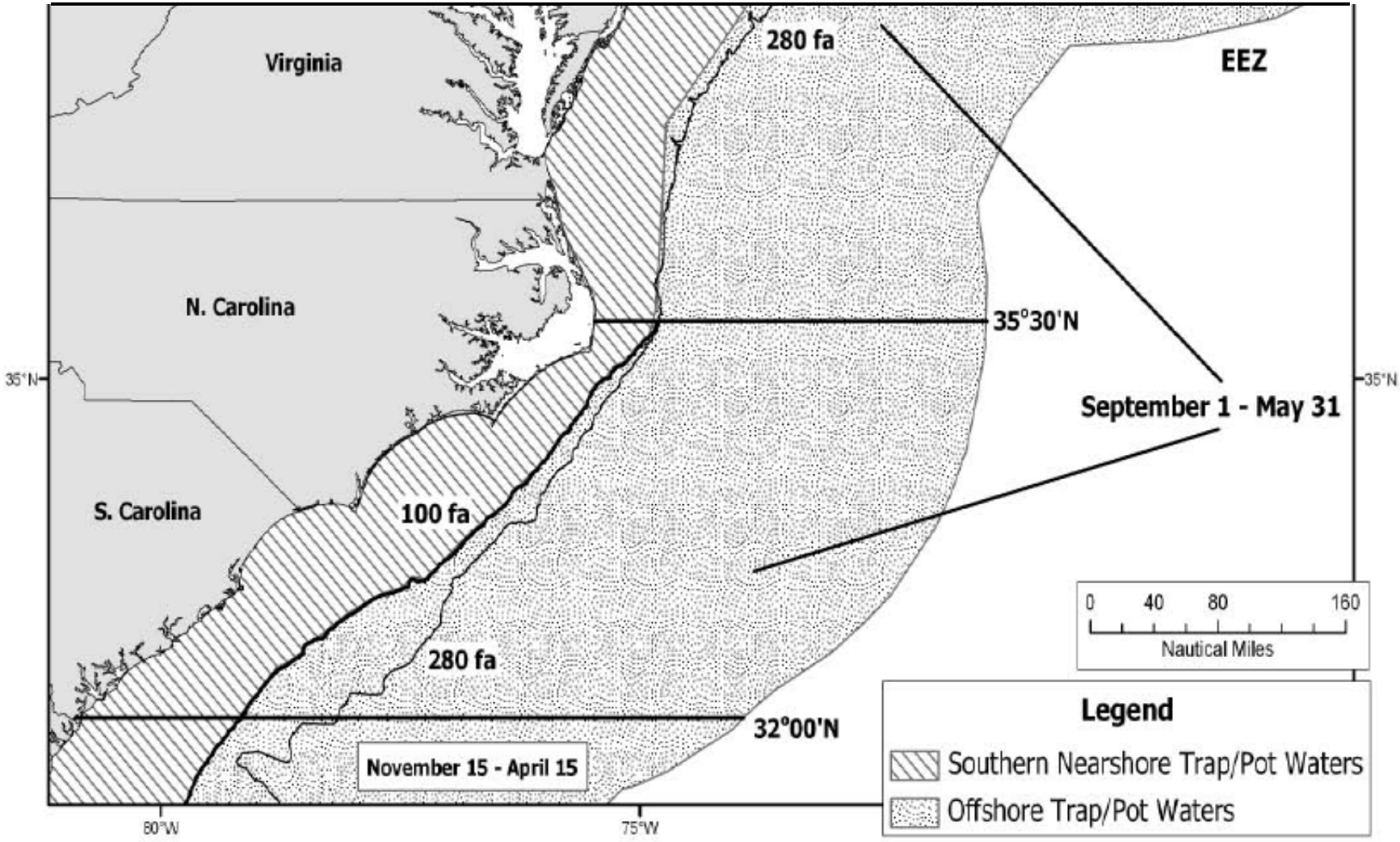


Figure 4. Map of Offshore Trap/Pot Waters