

Marine Mammal Commission  
4340 East-West Highway, Room 905  
Bethesda, MD 20814

7 January 2008

Mr. George Detweiler  
Docket Management Facility (M-30)  
U.S. Department of Transportation  
West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Dear Mr. Detweiler:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Coast Guard's 19 November 2007 *Federal Register* notice requesting comments on the preparation of a port access route study for waters east and south of Cape Cod, Massachusetts. The purpose of the study is to analyze potential vessel routing measures to reduce ship strikes involving highly endangered North Atlantic right whales while avoiding unnecessary restrictions on vessel operations. We offer the following recommendations and comments in response to this notice.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the Coast Guard's port access route study for waters east and south of Cape Cod evaluate the utility of the following:

- all the management options identified for that area in the National Marine Fisheries Service's July 2006 Draft Environmental Impact Statement to Implement the Operational Management Measures of the North Atlantic Right Whale Ship Strike Reduction Strategy;
- the development of a real-time passive acoustic network along the entire Boston traffic separation lanes east of Cape Cod and Nantucket Shoals that could be used to trigger speed restrictions whenever and wherever right whale calls are detected; and
- designation of the Boston traffic separation system as a mandatory vessel traffic route for all vessels greater than a certain size traveling along the U.S. East Coast between the Gulf of Maine and waters south of New England, with a "roundabout" added to traffic lanes in the Off Race Point Management Area to separate those vessels using ports in Massachusetts Bay and those using ports to the north of the bay.

Because collisions between whales and ships currently constitute a major obstacle for the recovery of North Atlantic right whales, the Marine Mammal Commission also recommends that the Coast Guard complete its port access route study and implement any changes that may be deemed warranted as quickly as possible.

## **RATIONALE**

The long-term survival of the North Atlantic right whale is likely to depend, in large part, on the effectiveness of measures to reduce collisions between vessels and whales. Such collisions are the single largest cause of known mortality for this species (i.e., at least 22 of 53 known right whale deaths since 1990).

To reduce this source of mortality, the National Marine Fisheries Service developed a proposed ship-strike reduction strategy that is described in a July 2006 draft environmental impact statement. The draft statement evaluates two types of operational measures for reducing the probability that vessels transiting waters off the U.S. East Coast will hit right whales: speed restrictions and vessel routing measures. The draft statement identifies several possible routing measures for the area east of Cape Cod. They include two proposed vessel management areas (i.e., the “Great South Channel Management Area” and part of the “Off Race Point Management Area”) and adjustments to the existing traffic separation lanes that cross both areas and lead into Boston Harbor.

The Great South Channel is one of the North Atlantic right whale’s most important feeding areas. Most of the population feeds, or at least passes through, this area annually. The largest right whale concentrations—sometimes exceeding 100 animals—occur in this area in the spring and early summer. To protect whales using this area, the Service’s strategy proposes a Great South Channel Management Area that includes waters extending roughly from the existing Boston traffic separation lanes along the western flank of the Great South Channel east of Cape Cod and Nantucket Shoals, and then east to the outer edge of the U.S. Exclusive Economic Zone. Possible management measures identified include a seasonal speed restriction of 10, 12, or 14 knots for the area from 1 April through 31 July, and designation of the area as an “Area To Be Avoided” by the International Maritime Organization. The Commission believes that the existing information justifies a restriction of 10 knots to protect this highly endangered species.

The area east of Race Point on the northern tip of Cape Cod is part of an important right whale travel corridor between the Cape Cod Bay and the Great South Channel feeding grounds, as well as an occasional feeding area. For the Off Race Point Management Area, the Service’s draft statement considers similar speed restrictions for the period between 1 March and 30 April. The Service considered adjusting the existing Boston traffic separation lanes by narrowing the travel lanes from 2 to 1.5 nautical miles to minimize overlap with high-use right whale habitats. In our view, all of these options appear to be appropriate and reasonable mitigation measures. Therefore, the Marine Mammal Commission recommends that the Coast Guard’s port access route study for the area east of Cape Cod evaluate all of the management options identified for that area in the National Marine Fisheries Service’s July 2006 Draft Environmental Impact Statement to Implement the Operational Management Measures of the North Atlantic Right Whale Ship Strike Reduction Strategy.

Over the past two years, substantial progress has been made on the development and testing of technology to detect and transmit right whale vocalizations on a nearly real-time basis. Depending

on conditions, acoustic receivers are capable of detecting right whale calls within a range of 2 nautical miles or more and transmitting acoustic data directly to a shore station. An array of acoustic receivers was recently deployed around a deepwater port construction site in Boston Harbor and additional receivers are to be deployed at five-mile intervals along the part of the Boston traffic separation corridor, including much of the portion running through the proposed Off Race Point Management Area. The purpose of the array is to detect right whale vocalizations in real time and use that information to restrict speeds of vessels using the port to a prescribed level (e.g., 10 knots) in the areas where whales have been detected over a period of at least 24 hours. It also is our understanding that operators of the port will require that vessels use the designated shipping lanes.

Although further testing is needed to assess the effectiveness of this system, we believe it holds great promise for reducing the risk of ship collisions with right whales. Therefore, the Marine Mammal Commission recommends that the Coast Guard's port access route study for the area east of Cape Cod evaluate the development of a real-time passive acoustic network along the entire Boston traffic separation corridor east of Cape Cod and Nantucket Shoals for use in triggering speed restrictions whenever and wherever right whale calls are detected. In addition, the Marine Mammal Commission recommends that the port access route study evaluate designation of the Boston traffic separation system as a mandatory vessel traffic route for all vessels greater than a certain size traveling along the U.S. East Coast between the Gulf of Maine and waters south of New England, with a "roundabout" added to traffic lanes in the Off Race Point Management Area to separate those vessels using ports in Massachusetts Bay and those using ports to the north of the bay. Because collisions of whales and ships currently constitute a major obstacle for the recovery of North Atlantic right whales, the Marine Mammal Commission also recommends that the Coast Guard complete its port access route study and implement any changes that may be deemed warranted as quickly as possible.

With regard to the four questions identified in the *Federal Register* notice as matters on which the Coast Guard requests additional information, the Marine Mammal Commission offers the following:

1. What navigation hazards do vessels operating in the study area face?

Two navigation hazards of concern to this study include (1) collisions with right whales and other large whale species that seasonally inhabit waters east and south of Cape Cod, and (2) shoal waters to the west of the existing vessel traffic lanes. The risk of vessel collisions with whales is discussed in the National Marine Fisheries Service's July 2006 Draft Environmental Impact Statement to Implement the Operational Management Measures of the North Atlantic Right Whale Ship Strike Reduction Strategy. The risk of shoal waters is apparent from navigational charts of the area.

Mr. George Detweiler  
7 January 2008  
Page 4

2. Are there strains on the current vessel routing system, such as increasing traffic density?

Although vessel traffic through the study area is likely increasing, the Commission does not have data or expertise to determine the extent to which existing or foreseeable traffic levels may pose strains on the current routing system. To evaluate such strains, we suggest that the Coast Guard review data on vessel traffic patterns reported through the mandatory ship reporting system for Cape Cod Bay and the Great South Channel approved by the International Maritime Organization in 1988 and operated jointly by the Coast Guard and the National Marine Fisheries Service since July 1999.

3. What are the benefits and drawbacks to modifying existing vessel routing measures, if any, or establishing new routing measures?

In the Commission's view, a major benefit of modifying existing vessel routing measures as discussed above would be improved protection of the region's environmental quality by reducing the likelihood of ships hitting and killing large whales, particularly highly endangered North Atlantic right whales. As discussed in the above referenced draft environmental impact statement and various reports referenced therein, collisions with large ships constitute a major factor limiting the recovery of North Atlantic right whales. The probability of collisions with that species east and south of Cape Cod is particularly great due to the regular occurrence of right whales in that area. Measures to reduce such risks would be both prudent and appropriate.

4. What impacts, both positive and negative, would changes to existing routing measures, if any, or new routing measures, have on the study area?

See answer to the previous question.

I hope these comments and recommendations are helpful. Please contact me if you have any questions.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

Cc: Mr. David Cottingham