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NOAA: Crew acted responsibly before, after 2009 whale collision

A NOAA investigation has found the crew of the NOAA Research Ship *Auk*, captained by a NOAA contractor, exercised due care before and after it struck a North Atlantic Right Whale in the Stellwagen Bank National Marine Sanctuary off the Massachusetts coast in April 2009.

The investigation by NOAA's Office of Law Enforcement, which was reviewed by the agency's Office of General Counsel, found that the ship's three whale observers on its bridge could not have been expected to spot the whale's sudden appearance in its immediate path until it was too close to avoid a collision. The 50-foot *Auk* was travelling at 19 knots at the time of the collision, below the sanctuary vessel speed limit of 20 knots in place at that time, and its observers first spotted the whale when it was four feet off its bow. *Auk* was not subject to the 10-knot speed limit rule applicable to vessels 65 feet or longer. The *Auk* crew also acted properly in continuing to observe the whale, documenting the injuries, and then reporting the incident to OLE upon returning to port.

After the collision, the *Auk* crew followed and observed the whale for 20 minutes before it dove underwater and disappeared from view. The crew had observed fresh wounds on the whale's tail fluke from the ship's propeller. *Auk* returned to port at 10 knots due to damage to its propeller and engine following the strike, and reported the incident to NOAA's Office of Law Enforcement. Given the crew's exercise of due care both before and after the strike, NOAA concluded—as it has typically done where such due care is exercised—that further enforcement response was unwarranted.

Homeported in Scituate, Mass., *Auk* was launched in 2006 and assigned to the Stellwagen Bank National Marine Sanctuary. The vessel is used for a variety of research projects, as well as for emergency response, education and outreach. With its two hulls, it provides a stable platform that maximizes deck space while providing room for wet and dry laboratories and berthing areas for overnight cruises. It also serves as a dive platform for scientists.

North Atlantic right whales are among the most endangered whales in the world—approximately 400 are known to exist. They are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. NOAA has implemented a number of protective measures for right whales including seasonal vessel speed restrictions along the U.S. East Coast to reduce injuries or deaths due to ship collisions, surveying whale habitat by aircraft, mandatory ship reporting systems that provide advisories and information on right whale locations to mariners, shifting shipping lanes into Boston, recommending shipping routes into other coastal areas to prevent collisions, and regulations to prevent entanglement in fishing gear.

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