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NOAA Enforces Right Whale Ship Strike Reduction Rule

Vessels charged for allegedly speeding where endangered whales calve, feed, migrate

NOAA today announced it is issuing notices of violations proposing civil administrative penalties against seven vessels for allegedly violating seasonal speed limits designed to protect one of the most endangered whales in the world. These civil administrative penalties are the first assessed since the Right Whale Ship Strike Reduction Rule was enacted on Dec. 9, 2008.

Because there are as few as 350 North Atlantic right whales still in existence, the whales are protected under the U.S. Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The Right Whale Ship Strike Reduction Rule restricts vessels of 65 feet or greater to speeds of 10 knots or less in seasonal management areas along the East Coast.

The NOVAs issued this week focus on vessels that allegedly traveled multiple times through the seasonal management areas for right whales at speeds well in excess of the 10 knots allowed under the regulations.

Penalty assessments in these NOVAs range from \$16,500 to \$49,500, depending on the frequency of the violations. The ships' owners and operators have 30 days to respond to NOVAs by paying the assessed penalty, seeking to have it modified, or requesting a hearing before an administrative law judge.

These seasonal management areas went into effect Nov. 1 in areas from Rhode Island to Brunswick, Ga., and went into effect yesterday for areas from Brunswick, Ga., to St. Augustine, Fla. Designed to reduce the chances of right whales being injured or killed by ships, the speed restrictions are based on the migration pattern of right whales and are in effect through April 30 each year. Maps of these areas and a compliance guide are available at www.nmfs.noaa.gov/pr/shipstrike

NOAA's Office of Law Enforcement (OLE) focused on outreach during the rule's first season, sending letters to alleged violators to educate them about the new federal regulation. The Notices of Violation and Assessment (NOVAs) issued by NOAA's Office of General Counsel for Enforcement and Litigation yesterday involve alleged violations of the speed restrictions during the second season the regulations were in place, November 2009 through April 2010.

"Right whales are a highly endangered and important species," said special agent Stuart Cory, OLE's national program manager for protected resources. "It is important to remind those that use and share the same habitat as right whales that this rule was put into place to protect these mammals. Compliance with this rule is one way NOAA is striving to prevent right whales from extinction. The species' recovery is dependent upon the protection of each remaining whale."

The mission of NOAA OLE is to ensure compliance with the laws and regulations enacted to conserve and protect our nation's marine resources. To report a suspected violation, contact the NOAA OLE national hotline at 1-800-853-1964.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> or on Facebook at <http://www.facebook.com/usnoaagov>.