



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

MAR 30 2012

Linda Krop
Chief Counsel
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Dear Ms. Krop:

This letter is in response to the petition from the Center for Biological Diversity, Friends of the Earth, Environmental Defense Center, and Pacific Environment (collectively, petitioners) that was submitted to the Secretary of Commerce through the National Oceanic and Atmospheric Administration (NOAA) on June 6, 2011. The petition requests that NOAA establish a 10-knot speed limit for vessels greater than 65 feet traveling within Cordell Bank, Gulf of the Farallones, Monterey Bay, and Channel Islands national marine sanctuaries. The petition claims that the requested vessel speed restriction would reduce or avoid significant threats to marine resources, including protected species, resulting from vessel traffic in these areas. The petition also asserts that the requested speed reduction would mitigate underwater noise pollution and air pollution, including greenhouse gas emissions, from vessel traffic.

We thank you for your organizations' contributions to the conservation of marine resources and protected species, and we appreciate your ongoing efforts to call attention to this important problem. As you are aware through your work with NOAA, NOAA's Office of National Marine Sanctuaries (ONMS) and National Marine Fisheries Service (NMFS) have been working to reduce ship strikes of large whales. ONMS is responsible for implementing the National Marine Sanctuaries Act (NMSA), while NMFS is responsible for implementing the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA). Most large whale species are protected under the ESA and all whale species are protected under the MMPA. Many marine species, including whales, are also protected under the National Marine Sanctuaries Act (NMSA) while in a national marine sanctuary.

NOAA shares your concern about both individual mortalities of large whales resulting from ship strikes and the impacts that such strikes can have on whale populations and the ecosystem, both within and outside national marine sanctuaries. As your petition notes, NOAA has already taken many steps to address this issue. Management strategies currently being used by ONMS include:

- monitoring and surveillance of whales and vessel traffic in sanctuaries;
- outreach and education to the shipping industry and the general public, including the identification of a Whale Advisory Zone in the Santa Barbara Channel; and
- interagency collaborations directed towards reducing the threat from vessel traffic to whales.



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NMFS has been a key collaborator with ONMS on a number of these efforts. NMFS' approach to addressing ship strikes in California is focused on four areas:

- conducting studies to better understand the nature of ship strikes of large whales along the California coast;
- improving reporting of whales that have been struck and NOAA's ability to respond and conduct analysis of injured whales;
- sharing information with the shipping industry and other user constituents to help find alternatives to minimize the threat of ship strikes; and
- ensuring that NOAA's regulatory responsibilities are met under the ESA and MMPA.

These ongoing and planned activities are further described in the enclosed document.

Despite our continuing management strategies, whales continue to be struck by ships traveling in or near national marine sanctuaries along the California coast. For that reason, NOAA continues to explore and develop a suite of strategies aimed at reducing the occurrence of whale strikes in that region. While NOAA recognizes vessel speed restrictions as a legitimate management tool for the prevention of whale strikes, and has implemented speed restrictions to protect North Atlantic right whales on the East Coast, speed restrictions are not the only available means for reducing the threat, and a thorough consideration of the advantages and disadvantages is needed before imposing them. Efforts to reduce whale strikes off California are likely to be more effective if developed and implemented collaboratively with the shipping industry, other agencies, experts, biologists, and the public, which will require additional time for ongoing coordination and consultation. Consequently, NOAA concludes that a comprehensive assessment and response to the problem, such as the strategies currently in development (described in this letter and the enclosed document), are needed in order to develop the most appropriate means to reduce impacts to whale populations from ship strikes.

To achieve a comprehensive response to the problem of vessel strikes, ONMS has initiated several near-term strategies that include establishing a joint Sanctuary Advisory Council working group to provide recommendations on methods for reducing vessel strikes and acoustic impacts to whales (which could include reducing vessel speeds along with other measures), and improving outreach to the shipping industry to raise awareness of voluntary speed reduction recommendations and advisories. ONMS is also working within NOAA to develop tools to predict whale occurrence and densities, and is coordinating with the U.S. Coast Guard and the maritime industry to develop measures to reduce the threat of ship strikes. In doing so, we are drawing on experiences derived from NMFS's efforts to protect North Atlantic right whales on the East Coast, which included the development of an overall strategy involving, among other things, interagency, intergovernmental, and international collaboration, and use of a suite of ship-strike reduction measures relying in part on mandatory and voluntary routing changes, speed restrictions, and mariner outreach.

NOAA is committed to evaluating the risks posed by vessel strikes, determining the appropriate management responses, and working with our partners to develop and implement management recommendations that are most likely to succeed in reducing the threat, which could include vessel speed restrictions. The actions that NOAA will undertake to achieve these objectives are described below as both near-term actions, which will occur within a year, and mid-term or long-

term activities, which will require additional time both to develop and to assess their effectiveness in reducing strikes of whales by large vessels.

Near-term Actions

- Starting in January 2011, ONMS has been facilitating a community-based planning process for the central California sanctuaries (Gulf of the Farallones and Cordell Bank sanctuaries) to identify and evaluate options. This Sanctuary Advisory Council working group process supports a thoughtful assessment of the vessel traffic issue, namely ship strikes and acoustic impacts, and consideration of a variety of management tools to reduce those threats to whales. We appreciate the involvement of the petitioners in our working group processes. One of the management options that is being evaluated by the working group is the reduction of vessel speeds in the sanctuaries. With regard to vessel speeds, this group will specifically evaluate what effect, if any, reducing ship speeds to 10 knots would have. Recommendations from the working group are scheduled to be presented in spring 2012 to the Sanctuary Advisory Councils, which in turn provide their advice to the superintendents. Given the complexity of this issue, the superintendents may also request further evaluation by NOAA scientists and managers. It is extremely important that our Sanctuary Advisory Councils and sanctuary superintendents benefit from the expertise and counsel of this working group and have a chance to consider its recommendations. Advisory councils are a proven and effective way to gather public support, as well as stakeholder engagement, prior to engaging in a rulemaking process in a sanctuary. The long-term positive impact of providing for deliberate feedback from the community prior to proposing a rule should not be underestimated.
- NOAA is evaluating current management strategies and outreach to the shipping industry.
- NOAA is exploring ways to enhance voluntary actions from the shipping industry within the Santa Barbara Channel Whale Advisory Zone to reduce the risk of lethal ship strikes.
- NOAA is working with the Coast Guard and the maritime industry to evaluate the current process for issuing Local and Broadcast Notices to Mariners in southern California. When this evaluation is complete, NOAA will work to make appropriate improvements. A similar notice process is being evaluated for central California to help to reduce the threat of ship strikes in that area. If appropriate, similar Notices to Mariners will be issued for central California during the region's whale season in 2012 (approximately July through October). NOAA will continue to work with the Coast Guard to issue Notices to Mariners and evaluate whether they are having the desired effect on maritime communities in the region.
- ONMS will analyze existing historical spatial data on the abundance and distribution of whale species and krill (a food source for whales) in relation to current shipping lanes in and near Monterey Bay sanctuary. This analysis will be used to determine

the need for Local and Broadcast Notices to Mariners and the consideration of other measures to reduce the threat of vessel strikes in that sanctuary.

Activities Under Development

- NOAA will seek to expand aerial surveys to monitor the presence of whales along the California coast, as resources allow.
- NOAA will continue ongoing monitoring programs to collect, compile, and analyze data that will be combined with oceanographic data and used to develop and refine models and other predictive tools, which will enhance understanding of the temporal and spatial distribution of whales and their food sources along the California coast. This, in turn, will increase the capability of detecting large whales in sanctuaries and near shipping channels.
- NOAA will continue to engage with the shipping industry that utilizes waters off southern and central California to enlist its participation in developing actions that vessel operators can take to reduce the risk of lethal ship strikes of whales.
- NOAA will engage with the Coast Guard in pursuing actions associated with the Port Access Route Studies (PARS) underway for the San Francisco Bay and Los Angeles/Long Beach areas. In June 2011, the Coast Guard published the findings of the San Francisco PARS, which incorporated information provided by NOAA that suggested modifications to the existing Traffic Separation Scheme (TSS) in the San Francisco Bay area. These modifications could reduce the co-occurrence of whales and vessels; that is, the likelihood of whales and ship traffic being in the same place at the same time. Similarly, in November 2011, the Coast Guard published the findings of the Los Angeles/Long Beach PARS, which also incorporated information provided by NOAA to help protect marine resources, including whales, by modifying the existing TSS in the Santa Barbara Channel. Any proposed changes to either TSS would be a Federal action subject to consultation under the ESA and NMSA, as well as analysis of potential environmental impacts under the National Environmental Policy Act. Thus, NOAA will be engaged with the Coast Guard throughout its decision-making process. This approach is modeled on the successful actions used at the Stellwagen Bank National Marine Sanctuary.
- NOAA will continue to evaluate how changes in California's air quality regulations are affecting vessel traffic patterns. New standards imposed by the state have resulted in altered shipping routes and speeds, which may reduce vessel strikes. Data from vessel tracking studies indicate that, in order to comply with California's new air quality standards within 24 nautical miles of shore, shipping companies have chosen alternate routes that avoid the state's jurisdiction. In southern California, vessels have traveled south of the existing TSS and Channel Islands NMS to an area where the U.S. Navy conducts various operations. In that area, data on whale densities is limited and is difficult to collect. As shipping routes have changed, NOAA has begun working with the U.S. Navy to monitor the presence and densities of whales in the area south of Channel Islands NMS.

As these actions indicate, NOAA takes the issue of vessel strikes seriously and is committed to reducing the risk of collisions between ships and whales, particularly in national marine sanctuaries. An evaluation of results from these actions will enable NOAA to make informed decisions about effective management tools that may be used to address the problem for each of these areas. It is possible that voluntary programs developed in collaboration with the shipping industry will reduce the threat of vessel strikes, thereby negating the need for regulations. However, if voluntary programs do not reduce whale strike occurrences, NOAA may decide to implement other actions, including mandatory speed restrictions. In the meantime, NOAA is concerned that promulgating a separate speed limit for vessels transiting the national marine sanctuaries off the California coast, rather than considering this as one part of a multifaceted strategy, would limit the agency's ability to develop such a comprehensive management approach.

For these reasons, NOAA is declining to issue a 10-knot speed restriction at this time, as requested in the petition, so that we may continue directing our resources to proceeding with the ongoing development and implementation of a comprehensive ship-strike reduction strategy for the West Coast. Promulgating a separate speed limit at this time, as the petitioners have requested, would interrupt the development of this strategy, curtail full participation from the public and the shipping industry, duplicate agency efforts, and divert agency resources necessary for the development of a more comprehensive management approach, which would further delay implementation of other appropriate policies. Proposing a separate speed limit may also negatively affect our ability to engage the shipping industry, whose participation in NOAA's ongoing assessment and policy development is essential to the agency's success due to limited enforcement resources on the West Coast. Instead of imposing individual management measures in a piecemeal fashion, NOAA continues to believe that putting a comprehensive strategy in place is the best course of long-term action. For these reasons, issuing a separate speed limit at this time would undermine NOAA's efforts to address this problem. Therefore, NOAA is denying the petition so that ONMS and NMFS may direct their efforts to identifying and implementing a comprehensive ship-strike reduction strategy on the West Coast.

As the petitioners point out, vessel speed restrictions have been in place on the East Coast for the protection of North Atlantic right whales for some time. Those speed restrictions were part of a broader strategy including routing measures, the involvement of the International Maritime Organization and multiple agencies, and extensive outreach programs. Analysis of the effectiveness of those restrictions is underway. Those restrictions were also based on knowledge, derived from decades of systematic surveys and whale-sighting information, of the predictable and recurring presence of right whales, a situation that does not exist for whale species on the West Coast. Whale species occurring in the nearshore waters of the West Coast differ from right whales in biology, natural history, occurrence, behavior, and abundance. The oceanography that contributes to the distribution of whales and their prey also differs in these two regions. As a result, management approaches may also differ.

The need for the development of a unique management approach on the West Coast has been addressed in responding to a previous petition related to ship strikes. Although NMFS is not specifically named in the petition, it previously responded to a similar petition sent to the

Secretary of Commerce by the Center for Biological Diversity (CBD) on September 25, 2007. That earlier petition requested that NMFS implement, on an emergency basis, a 10-knot speed limit in the Santa Barbara Channel for all vessels over 65 feet in length, and that the restriction remain in effect while blue whales were present in the area. That petition also requested, in the event that NMFS determined that an emergency rulemaking was not warranted, the implementation of protective measures prior to the return of blue whales the following year. NMFS determined that a rulemaking of any kind was not warranted at that time.⁴ In its response to the 2007 petition, NMFS explained that management measures deemed appropriate for the protection of North Atlantic right whales may not be appropriate for protecting blue whales on the West Coast, based on what we know about the abundance and behavior of the two different whale species in very different environments. Consequently, in evaluating whether speed restrictions may also be a useful approach to protecting blue whales on the West Coast, ONMS cannot simply rely on regulations issued to protect a different species in a different environment.

At the same time, ONMS recognizes that speed restrictions may warrant consideration during the ongoing development of a comprehensive management approach. Doing so requires a careful consideration of speed measures in the context of alternative but related approaches that may include routing measures, outreach programs, and other voluntary and mandatory measures. For that reason, NOAA is dedicating resources to expand and improve monitoring of whales off California, as explained above. The information gathered will be used to develop and refine models and other predictive tools, which will allow us to better understand the temporal and spatial distribution of whales and their food sources along the California coast. This, in turn, will increase the capability of detecting large whales in sanctuaries and near shipping channels. As we work to improve our understanding of the problem, NOAA is committed to working with its partners, other agencies, stakeholders, and the public to evaluate and enhance appropriate management measures. For example, as noted above, NOAA is assisting in the Coast Guard's process of evaluating whether potential modifications to the traffic separation schemes at the approaches for San Francisco Bay and Los Angeles/Long Beach harbor would reduce vessel strikes. This approach is modeled on the successful actions used at the Stellwagen Bank National Marine Sanctuary.

The petitioners' concerns related to noise pollution are also shared by NOAA. Consequently, noise is one of the topics being explored by the Sanctuary Advisory Council working group mentioned above. At this time, NOAA does not believe that mandatory speed restrictions are the best available approach to address the introduction of underwater noise, for the same reasons provided for not implementing mandatory speed restrictions to reduce the risk of whale strikes. While remaining open to this possibility and awaiting the recommendations of the Sanctuary Advisory Council working group, NOAA believes that reducing underwater noise by imposing vessel speed restrictions is a matter that would require further consideration.

Finally, regarding the petitioners' concerns related to air pollution, including greenhouse gas emissions from vessel traffic in sanctuaries, we believe that there are many more effective ways to improve air quality in national marine sanctuaries and reduce the potential impacts of climate

⁴ Letter from John Oliver, NOAA Acting Assistant Administrator for Fisheries, to Brendan Cummings, Center for Biological Diversity (Jan. 8, 2008).

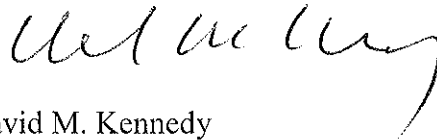
change than imposing the speed restriction requested by the petitioners. Steps being taken by other agencies to directly address emissions will likely have a more significant effect on air quality in national marine sanctuaries than any decision by NOAA to reduce vessel speeds within those small areas. For example, current efforts by the state of California to ensure compliance with heightened air quality standards and other regulations may lead to voluntary or mandatory vessel speed reductions for large vessels traveling along the West Coast in order to reduce air pollution and greenhouse gas emissions. Consequently, NOAA is monitoring the actions of local, state, and Federal air quality agencies to determine what impact, if any, those actions will have on climate change and air quality in national marine sanctuaries. Therefore, reducing air pollution is not a persuasive reason, at this time, to adopt the vessel speed restriction proposed by the petitioners.

We appreciate and share your concern for the protection of whales and other marine species within the national marine sanctuaries of California. We thank those petitioners who serve on our Sanctuary Advisory Councils and have been working with us on reducing anthropogenic impacts to whales within national marine sanctuaries.

If you would like to discuss this matter further, please contact Dr. Lisa Wooninck, Policy Coordinator for the ONMS West Coast Region, at 831-647-1920, extension 104. If you are interested, the ONMS West Coast Regional Office can also arrange a meeting with you during spring 2012 to provide a review of the progress of the ongoing and planned actions and activities outlined in this letter. Please contact Dr. Wooninck if you are interested in such a meeting.

Thank you for your interest in this important matter.

Sincerely,



David M. Kennedy
Assistant Administrator for
Ocean Services and Coastal Zone Management

Enclosure

Enclosure: Addressing Whale-Ship Strikes on the West Coast

Background

In September 2007, two blue whales were observed floating dead in or around Channel Islands National Marine Sanctuary (CINMS). Post-mortem examinations found injuries consistent with a strike by a large vessel. An additional blue whale was found floating in the Port of Los Angeles and was presumed to have been brought into the port on the bow of a ship; the animal may have been struck near CINMS. In November 2007, a blue whale was stranded on San Miguel Island with a laceration on the carcass consistent with that of a vessel strike. Between July 25 and October 2, 2010, five large whales (all endangered species) – two blue whales (one of which aborted a fetus), one humpback, and two fin whales – were found dead in northern California in and around Monterey Bay, Gulf of the Farallones, and Cordell Bank National Marine Sanctuaries (MBNMS, GFNMS, and CBNMS, respectively). Another blue whale was found dead on San Miguel Island within CINMS that same year. Between 2000 and 2011, an average of three large whales per year have been found dead along the California coast with injuries indicating that the death was caused by a vessel strike.

All whales are protected under the Marine Mammal Protection Act (MMPA) and certain large whales in California are also listed as endangered under the Endangered Species Act (ESA). NOAA's National Marine Fisheries Service (NMFS) has regulatory responsibility for implementing the MMPA and ESA. Whales in a national marine sanctuary are further protected under the National Marine Sanctuaries Act (NMSA). Due to this shared legal responsibility, NOAA's Office of National Marine Sanctuaries (ONMS) and NMFS work collaboratively on a number of actions to advance NOAA's broad objectives. ONMS and NMFS also work separately on individual program goals.

NOAA is concerned about large whale mortalities from ship strikes along the United States West Coast. This issue is addressed on a regional basis by staff from the NMFS Southwest Region (SWR) and Southwest Fisheries Science Center (SWFSC), ONMS West Coast Regional Office, and the five West Coast sanctuaries. Current ONMS management strategies include: monitoring and surveillance of whales and vessel traffic; outreach and education to the shipping industry and the general public, including the identification of a Whale Advisory Zone in the Santa Barbara Channel; and interagency collaborations directed towards reducing the threat to whales from vessel traffic. ONMS works in collaboration with NMFS on a number of these efforts. Although NMFS was not petitioned in this instance, its activities and collaboration with ONMS are an essential part of NOAA's response to ship strikes of large whales and are, therefore, included in this attachment. NMFS's approach to addressing ship strikes is focused on four major themes: advancing scientific knowledge to better understand the issue of ship strikes of large whales along the California coast, improving reporting of animals that have been struck and the Agency's ability to respond and conduct analysis, sharing information with the shipping industry and other user constituents to help find alternatives to minimize risks, and ensuring that regulatory responsibilities are met under the ESA and MMPA. These management strategies are made more effective through frequent collaborations with the U.S. Coast Guard and Navy, academia, research organizations (e.g., Cascadia Research Cooperative), and industry. Activities conducted by NOAA to address this problem are summarized below and are organized according

to four categories: (1) monitoring and surveillance, (2) community involvement, (3) education and outreach, and (4) interagency collaborations.

Monitoring and surveillance

Whales:

- Identification and monitoring:
 - CINMS has provided *R/V Shearwater* support to Cascadia Research Collective since 2009 to conduct tagging and photo identification of blue, fin, and humpback whales.
 - The volunteer Naturalist Corps of CINMS and Channel Islands National Park, together with the whale watch industry, support the Cascadia Research Collective photo-ID program in gathering intelligence on the arrival and re-occurrence of the different species of whales. This information is tracked by CINMS staff.
 - GFNMS works closely with the whale watching and party boat operators and Farallon Islands biologists to track the presence of whales in the sanctuary, particularly in the shipping lanes.
 - CINMS plots geographic data on whale strandings along the California coast, collected by members of the Marine Mammal Stranding Network and provided by the NMFS Stranding Network Coordinator, to create a spatial representation of large whale strandings, including those that are known or suspected to be caused by ship strikes.
 - NMFS SWR is working on ways to improve reporting of whales struck by ships, including the establishment of a toll free number, 1-877-SOS-WHALE, to report the sighting of whales in distress. NMFS is also working with various partners to improve the ability to track and respond to reports of whales that may have been struck by ships.

- Surveillance:
 - Since 2010, CINMS has partnered with the Coast Guard and the U.S. Navy to perform overflights (seasonally and monthly, respectively) to monitor whale presence in the Santa Barbara Channel Traffic Separation Scheme (TSS) and south of the Channel Islands.
 - Since 2009, GFNMS, CBNMS, and MBNMS have collaborated to conduct quarterly enforcement overflights of the sanctuaries in partnership with the Coast Guard. During these flights, aggregations of whales in the traffic lanes are documented.

- Research:
 - Since 2010, GFNMS and CBNMS have collected data on physical conditions, prey availability, and predator distribution and abundance in quarterly surveys off the central California coast during the Applied California Current Ecosystem Monitoring (ACCESS) cruises.
 - CINMS co-hosted with NMFS SWR a graduate group thesis on analyzing the effects of three ship strike risk-reduction strategies: 1) speed reduction, 2) shifting the shipping lanes south of the islands, and 3) narrowing the existing shipping lanes.

- Following one of the recommendations of a NMFS-hosted workshop in May 2010, NMFS SWR and SWFSC staff collaborated on a paper to summarize available information and develop a model for predicting areas of overlap and potential interactions between ships and large whales. The paper, entitled “Mitigating the risk of large whale ship strikes using a marine spatial planning approach,” is currently in review.

Vessel traffic:

- CINMS staff have developed and maintained a complete data acquisition system from Automatic Identification System (AIS) stations on the mainland and at Santa Cruz Island. This system allows CINMS to collect, process, and analyze AIS data from ships transiting within and outside the Santa Barbara Channel TSS, resulting in valuable spatial analysis products used for management.
- Key technical staff from CINMS and CBNMS are investigating how to utilize CINMS AIS data processing capabilities in central California sanctuaries.

Outcomes:

The whale monitoring and vessel traffic data are critical in determining if and when a heightened risk of vessel strikes may exist in CINMS, as well as in the central California sanctuaries due to vessel traffic to and from San Francisco. These data sources have been used for mariner outreach products, such as voluntary slow speed recommendations at CINMS. The data have also been analyzed to produce alternatives that were submitted to the Coast Guard Port Access Route Studies (PARS) of Los Angeles/Long Beach and San Francisco Bay. The alternatives are aimed at reducing the co-occurrence of whales and ships within the existing traffic separation schemes (TSSs) of California ports. Additionally, information from the NMFS scientific paper on whale/ship interactions was also provided to the Coast Guard as part of the PARS process for Los Angeles/Long Beach.

Community involvement

- Following the 2007 ship strike events, the CINMS Advisory Council convened a subcommittee, which included representation by NMFS staff, to develop recommendations for the Sanctuary Advisory Council and superintendent to reduce the threat of ship strikes in the Santa Barbara Channel.
- The Gulf of the Farallones and Cordell Bank Sanctuary Advisory Councils are currently facilitating a joint working group on vessel strikes and acoustic impacts to provide recommendations to the site superintendents on preferred research, monitoring, education, outreach, and policy actions to protect whales in sanctuary waters of the central California coast. The working group was created in January 2011, met for the first time in May 2011, and is expected to provide its recommendations to the superintendents by spring 2012.

Outcomes:

The CINMS Advisory Council and superintendent fully supported the recommendations forwarded by the subcommittee. The recommendations were as follows:

- Expand research and monitoring, as well as education and outreach

- Consider whether changes to rules governing vessel operation in the Santa Barbara Channel region are appropriate.
- Explore changes to the Santa Barbara Channel TSS.
- Explore incentives and mandate-based options for vessel speed reduction.
- Apply an adaptive management approach for the implementation of the recommendations.
- Continue to engage and involve relevant agencies, stakeholders, and the maritime industry in the consideration and implementation of these recommendations.

Education and outreach

- In May 2010, NMFS SWR hosted a workshop of scientists, policy makers, shipping industry representatives, and other interested constituents to provide a forum to improve our collective understanding of the risk of vessel collisions with whales along the California coast and create a foundation for future research and management actions.
- West coast sanctuaries and NMFS SWR represented NOAA as panel members at a seminar hosted by the North American Marine Environment Protection Association (NAMEPA) on February 23, 2011. The seminar focused on marine mammal protection, vessel waste streams, vessel emissions, and oil spill response in the shipping industry.
- The Coast Guard continues to post a Marine Safety Information Bulletin to inform mariners of the presence of large whales in and around CINMS, and requests that mariners report any collisions with whales.
- CINMS continues to work with NMFS SWR to have Coast Guard and National Weather Service provide seasonal notices to inform mariners when large whales have returned to the Channel Islands area. Efforts include posting on the internet and broadcasting on the marine band radio a Local Notice to Mariners that recommends that vessels of 300 gross registered tons or larger, that transit the shipping lanes in the Santa Barbara Channel Whale Advisory Zone, do so at speeds not in excess of 10 knots when whales are most abundant in and around the shipping lanes, in order to reduce the risk of seriously injuring or lethally striking a whale.
- GFNMS worked with the Coast Guard to issue a Local Notice to Mariners, which ran continuously while whales were seen in the central California marine area during the summer and fall of 2010.
- The CINMS research coordinator and partners authored a paper entitled “Voluntary Conservation Strategies for Large Vessels and Blue Whales: Does Free Monitoring Result in Improved Compliance?” This paper, which is still in review, evaluates ship speeds using AIS data in the Santa Barbara Channel before, during, and after NOAA’s recommended slow-speed seasonal Whale Advisory Zone from 2007 to 2009.

Outcomes:

- A final report of the May 2010 workshop was published in March 2011 and is available at <http://swr.nmfs.noaa.gov/pdf/Final2010VesselWorkshop.pdf>.
- CINMS staff analyzed ship behavior as a result of the seasonal notices to the shipping industry and mariners recommending reducing speeds to 10 knots when whales are present in the Santa Barbara Channel. Their analysis suggests that the majority of ships have not slowed to 10 knots, as evidenced from three years (2007-2009) of AIS data analysis. These findings are cited in the above-mentioned paper “Voluntary

Conservation Strategies for Large Vessels and Blue Whales: Does Free Monitoring Result in Improved Compliance?"

Interagency collaborations

- In 2010 and 2011, CBNMS and GFNMS engaged the Coast Guard in an ongoing dialog throughout the San Francisco Bay PARS process through formal comment, speaking at public meetings, conference calls, emails, and data exchanges. Sanctuary staff provided data on whale locations and densities by species that was collected from ACCESS cruises. With input from their Advisory Councils, these sanctuaries were able to provide advice to the Coast Guard that was backed by both industry and non-governmental organizations. As a result, the Coast Guard published PARS findings for the San Francisco area with proposed modifications to the existing TSS that could reduce the co-occurrence of whales and vessel traffic. The sanctuaries also coordinated with NMFS so that a single NOAA message was presented to the Coast Guard.
- Similarly, in 2010 and 2011, CINMS engaged with the Coast Guard in an ongoing dialog throughout the Los Angeles/Long Beach PARS process through formal comment, speaking at public meetings, Advisory Council input, conference calls, emails, and data exchanges. Sanctuary staff worked closely with NMFS SWR to provide the best available data on whale locations and densities by species to the Coast Guard in order to inform the PARS process. CINMS and NMFS signed a joint letter requesting that the Coast Guard consider alternatives that modify the existing TSS to reduce the co-occurrence of whales and ships. These efforts also resulted in Coast Guard publishing, as part of the PARS, findings regarding the approaches to the port of Los Angeles/Long Beach, with modifications to the Santa Barbara Channel TSS that could reduce the risk of ship strikes.
- NMFS SWR has been working with the Coast Guard during the development of the PARS to provide technical assistance on ESA-listed species, and will continue to work with the Coast Guard to ensure that both agencies' regulatory responsibilities are met and to provide the Coast Guard with the information that it needs to help avoid impacts to whales from vessel traffic.
- MBNMS participated (1997-2000) in a collaborative working group with the Coast Guard and key stakeholders that resulted in the successful relocation of International Maritime Organization (IMO) Recommended Tracks (shipping lanes) farther offshore to reduce potential impacts from oil spills. An added benefit of the relocation of shipping lanes is protection of whales closer to shore.

Outcomes:

As a result of the PARS-related efforts, the Coast Guard agreed to consider in its analysis the routing alternatives proposed by the sanctuaries for the entrance to San Francisco Bay and approaches to the port of Los Angeles/Long Beach. Both PARS are currently being reviewed by the Coast Guard and, if changes are proposed to either TSS consistent with the sanctuaries' recommendations in the PARS, the Coast Guard will issue an Advanced Notice of Proposed Rulemaking and begin the regulatory process to modify one or both of the TSSs, including consultation with the IMO. Any changes to either TSS would constitute a Federal action subject to consultation under Section 7 of the ESA. Thus, the Coast Guard would be required to engage in consultation with NOAA and the U.S. Fish and Wildlife Service.

NOAA will continue to provide technical assistance to the Coast Guard throughout the PARS process to ensure that any proposed changes to existing shipping lanes are consistent with the ESA, MMPA, and NMSA.