Compliance Guide for Right Whale Ship Strike Reduction Rule (50 CFR 224.105)

NOAA FISHERIES SERVICE

ATTENTION: All vessels greater than or equal to 65 ft (19.8 m) in overall length and subject to the jurisdiction of the United States and all vessels greater than or equal to 65 ft in overall length entering or departing a port or place subject to the jurisdiction of the United States.

YOU MUST SLOW TO SPEEDS OF 10 KNOTS OR LESS IN SEASONAL MANAGEMENT AREAS

Mandatory speed restrictions of 10 knots or less are required in Seasonal Management Areas along the U.S. East Coast during times when right whales are likely to be present. The purpose of this regulation is to reduce the likelihood of deaths and serious injuries to these endangered whales that result from collisions with ships.

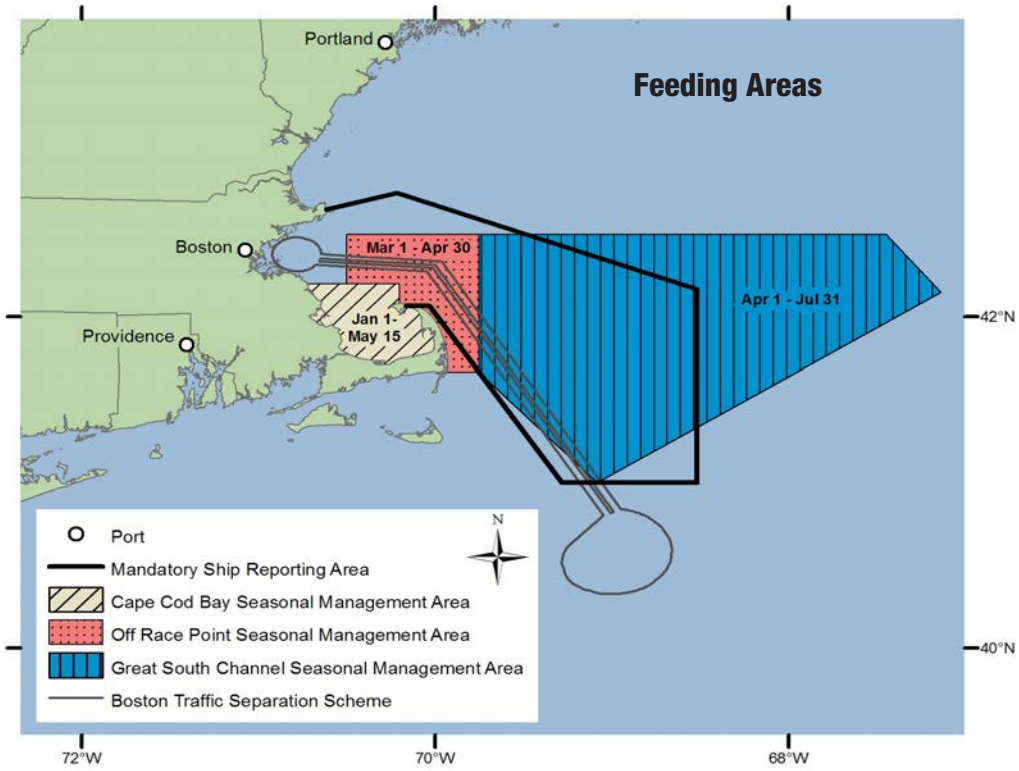
NOAA

Vessels may operate at a speed greater than 10 knots only if necessary to maintain a safe maneuvering speed in an area where conditions severely restrict vessel maneuverability as determined by the pilot or master.

If a deviation from the 10 knot speed restriction is necessary, the following information must be entered into the logbook:

- Reasons for deviation
- Speed at which vessel is operated
- Latitude and longitude at time of deviation
- Time and duration of deviation
- Master of the vessel shall sign and date the logbook entry

Northeast U.S. Seasonal Management Areas



Feeding Areas

Cape Cod Bay
January 1 - May 15
Includes all waters of Cape Cod Bay with Northern Boundary of 42º04'56.5"N, 070º12'W to 42º12'N, 070º12'W then due west back to shore.

Off Race Point
March 1 - April 30
Waters Bounded by:
42º04'56.5"N 070º12'W
42º12'N, 070º12'W
42º12'N, 070º30'W
42º30'N, 070º30'W
42º30'N, 069º45'W
41º40'N, 069º45'W
then due west back to shore.

Great South Channel
April 1 - July 31
Waters Bounded by:
42º30'N, 069º45'W
42º30'N, 067º27'W
42º09'N, 067º08'24"W
41º00'N, 069º05'W
41º40'N, 069º45'W
then back to starting pt.

The rule does not apply to waters inshore of COLREGS lines.

Migratory Route

November 1 through April 30

Vessel speed is restricted in the following areas:

- Block Island Sound waters bounded by:
  40°51'53.7" N 070°36'44.9" W
  41°20'14.1" N 070°49'44.1" W
  41°04'16.7" N 071°51'21.0" W
  40°35'56.5" N 071°38'25.1" W
  then back to starting point.
- Within a 20-nm (37 km) radius of the following (as measured seaward from the COLREGS lines):
  - -Ports of New York/New Jersey:
    40°29'42.2"N 073°55'57.6"W
  - -Entrance to the Delaware Bay (Ports of Philadelphia and Wilmington):
    38°52'27.4"N 075°01'32.1"W
  - -Entrance to the Chesapeake Bay (Ports of Hampton Roads and Baltimore):
    37°00'36.9"N 075°57'50.5"W
  - -Ports of Morehead City and Beaufort, NC:
    34°41'32.0"N 076°40'08.3"W
- Within a continuous area 20 nm from shore between Wilmington, NC, to Brunswick, GA, bounded by the following:

Point	Latitude	Longitude
A	34°10'30"N	077°49'12"W
B	33°56'42"N	077°31'30"W
C	33°36'30"N	077°47'06"W
D	33°28'24"N	078°32'30"W
E	32°59'06"N	078°50'18"W
F	31°50'00"N	080°33'12"W
G	31°27'00"N	080°51'36"W

and west back to the shore.

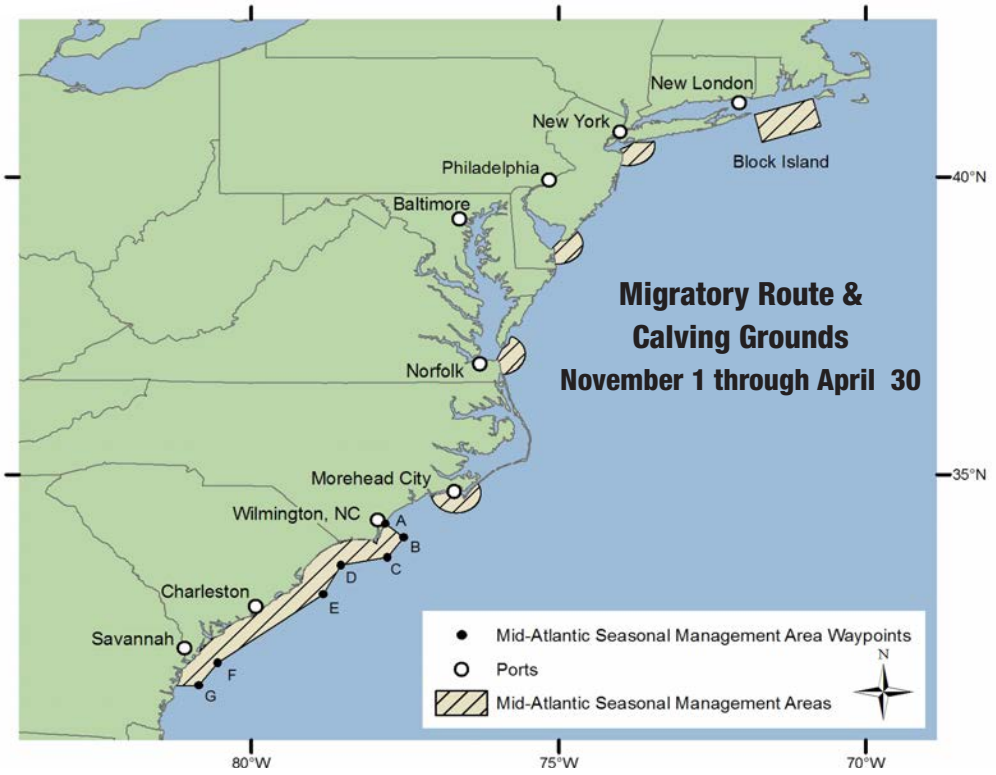
Calving and Nursery Grounds

November 15 through April 15

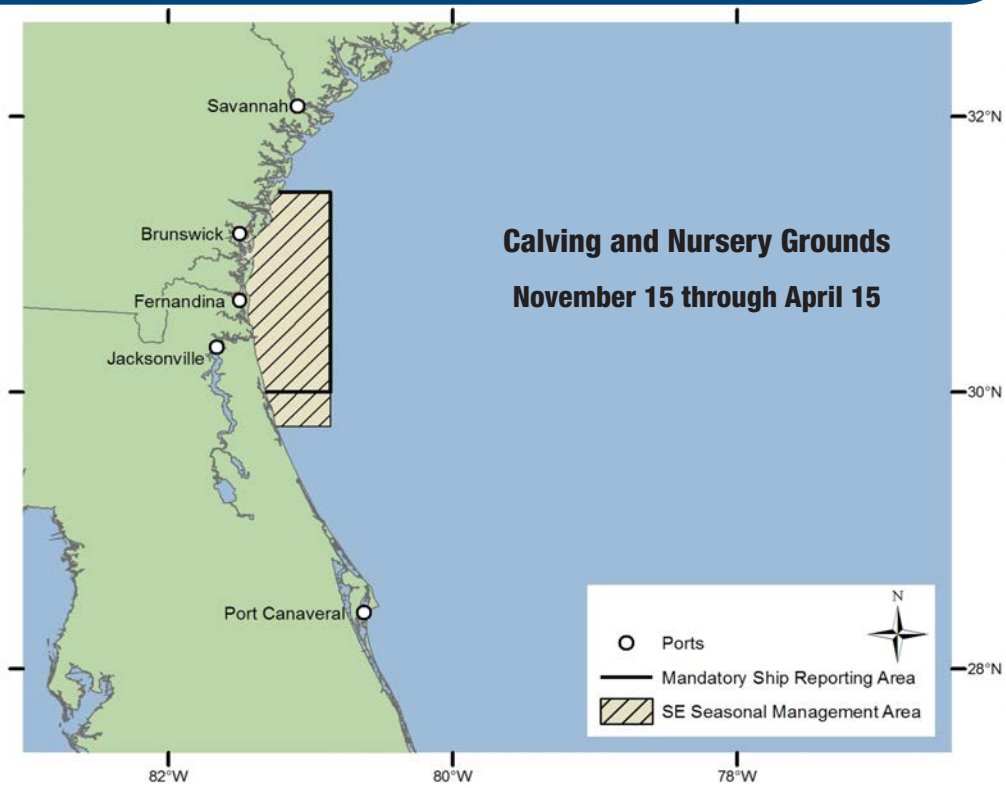
Vessel speed is restricted in the area bounded to the north by latitude 31°27'N; to the south by latitude 29°45'N; to the east by longitude 080°51'36"W.

For more information, visit:
http://www.nmfs.noaa.gov/pr/shipstrike
http://nero.noaa.gov/shipstrike
http://rightwhalessouth.nmfs.noaa.gov

Mid-Atlantic U.S. Seasonal Management Areas



Southeast U.S. Seasonal Management Area



The rule does not apply to waters inshore of COLREGS lines.

Voluntary Dynamic Management Areas (DMAs) may also be established by NOAA Fisheries Service. Mariners are encouraged to avoid these areas or reduce speeds to 10 knots or less while transiting through these areas. NOAA Fisheries Service will announce DMAs to mariners through its customary maritime communication media.

This serves as NOAA's small entity compliance guide.

OMB Control #0648-0580

U.S. Department of Commerce | National Oceanic and Atmospheric Administration | National Marine Fisheries Service

Appendix A - Requirements for Handling Incidentally Taken Sturgeon and Collecting Genetic Samples

General Handling of Sturgeon

1. If the animal appears energetic, active, and otherwise healthy enough to undergo handling, it should be done so in accordance with guideline #3 below. If the animal is not healthy enough to undergo the procedures described, ensure the vessel is in neutral and release it over the side, head first.
2. Animals should be handled rapidly, but with care and kept in water to the maximum extent possible during holding and handling. During handling procedures the animal must be kept wet at all times using water from which it was removed (e.g., river water). While moving the animal or removing it from gear, covering its eyes with a wet towel may help calm it.
3. All handling procedures (i.e., measuring, PIT tagging, photographing, and tissue sampling) should be completed as quickly as possible, and should not exceed 20 minutes from when the sturgeon is first brought on board the vessel. Handling procedures should be prioritize in the following order: 1) collect a tissue sample (see procedure described below); 2) scan for existing PIT tags, apply new PIT tag if no pre-existing PIT tag is found; 3) measure the animal; 4) photograph the animal. If all of the handling procedures cannot be completed within 20 minutes, the animal should be returned to the water; indicate which procedures were not completed when reporting the incidental take to NMFS.
4. A sturgeon maybe held on board for longer than 20 minutes only when held in a net pen/basket floating next to the vessel or placed in flow through tanks, where the total volume of water is replaced every 15-20 minutes.

Genetic Tissue Sampling for Atlantic Sturgeon

5. Genetic tissue samples must be taken from every Atlantic sturgeon captured unless conditions are such that collecting a sample would imperil human or animal safety.
6. Tissue samples should be a small (1.0 cm^2) fin clip collected from soft pelvic fin tissue. Use a knife, scalpel, or scissors that has been thoroughly cleaned and wiped with alcohol. Samples should be preserved in RNAlater™ preservative. Gently shake to ensure the solution covers the fin clip. Once the fin clip is in buffer solution, refrigeration/freezing is not required, but care should be taken not to expose the sample to excessive heat or intense sunlight. Label each sample with the fish's unique ID number. Do not use glass vials; a 2 ml screw top plastic vial is preferred (e.g., MidWest Scientific AVFS2002 and AVC100N).

PIT Tagging

7. Every sturgeon should be scanned for PIT tags along its entire body surface ensuring it has not been previously tagged. The PIT tag readers must be able to read both 125 kHz and 134 kHz tags. When a previously implanted tag is detected the PIT tag information should be recorded on the reporting spreadsheet ("Sturgeon Genetic Sample Submission sheet"). Indicate the animal was a recapture in the "comment" field of the reporting spreadsheet.

8. Sturgeon without an existing PIT tag should have one implanted. The recommended frequency for PIT tags is 134.2 kHz. The tag information should be reported in the appropriate fields on the reporting spreadsheet.
9. Sturgeon smaller than 250mm shall not be PIT tagged. Sturgeon measuring 250-350 mm TL shall only be tagged with 8mm PIT tags. Sturgeon 350 mm or greater shall receive standard sized PIT tags (e.g., 11 or 14 mm).
10. PIT tags should be implanted to the left of the spine immediately anterior to the dorsal fin, and posterior to the dorsal scutes (Figure X.1). This positioning optimizes the PIT tag's readability over the animal's lifetime. If necessary, to ensure tag retention and prevent harm or mortality to small juvenile sturgeon of all species, the PIT tag can also be inserted at the widest dorsal position just to the left of the 4th dorsal scute.
11. Scan the newly implanted tag following insertion to ensure it is readable before the animal is released. If the tag is not readable, one additional tag should be implanted on the opposite side following the same procedure, if doing so will not jeopardize the safety of the animal.

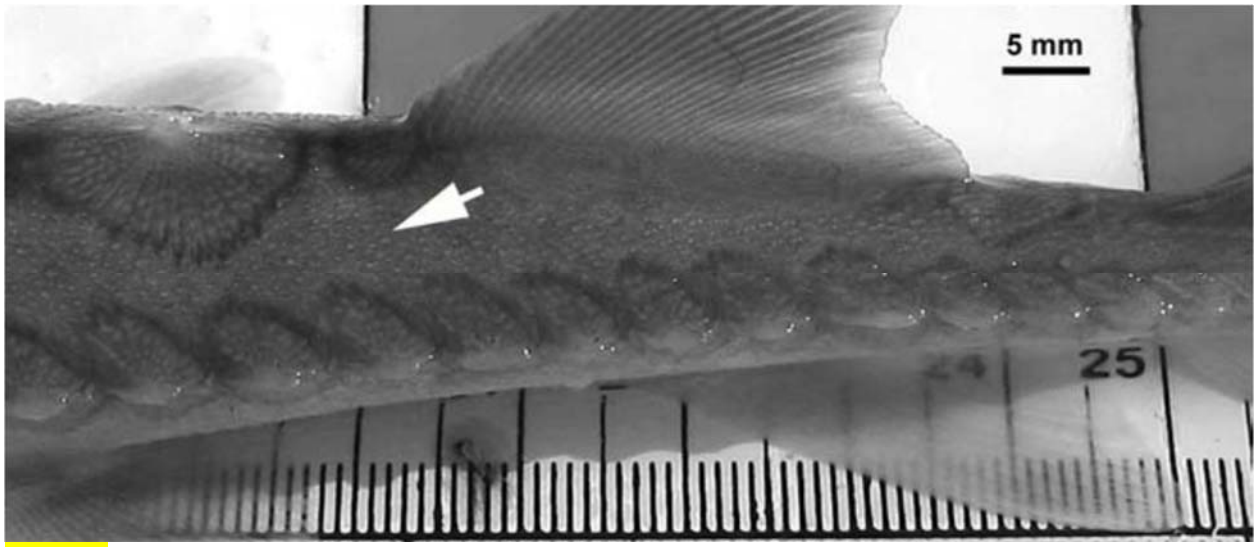


Figure X.1. Standardized Location for PIT Tagging all Gulf, Atlantic, and shortnose sturgeon
(Photo Credit: J. Henne, USFWS)

Measuring

12. Length measurements for all sturgeon should be taken as a straight line measurement from the snout to the fork in the tail (i.e., fork length – FL), and as a straight line measurement from the snout to the tip of the tail (i.e., total length – TL) (Figure X.2). Do not measure the curve of the animal's body.

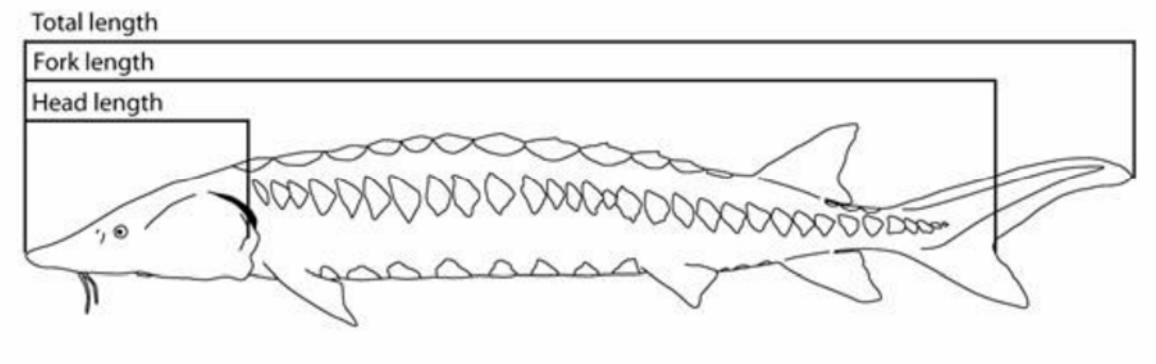


Figure X.2. Diagram of different types of measurements for sturgeons.
(Drawings by Eric Hilton, Virginia Institute of Marine Science in Mohead and Kahn 2010)

Reporting Captures/Samples

13. *Reporting Captures and Genetic Samples*: Incidental captures and genetic samples may be reported using the same reporting spreadsheet ("Sturgeon Genetic Sample Submission Sheet"). Electronic metadata for each sample must be provided to properly identify and archive samples. Submit the reporting spreadsheet via email to: rjohnson1@usgs.gov and takereport.nmfsser@noaa.gov. When submitting electronic metadata samples, identify the project name and biological opinion (SER #) in the subject line.

14. *Reporting Captures with NO Genetic Sample*: If no genetic sample could be safely collected, the incidental capture must still be reported using the Sturgeon Genetic Sample Submission Sheet. Submit the reporting spreadsheet via email to takereport.nmfsser@noaa.gov. When submitting electronic metadata samples, identify the project name and biological opinion (SER #) in the subject line.

Transport of Genetic Samples

15. Package vials containing genetic samples together (e.g., in one box) with an absorbent material within a double-sealed container (e.g., zip lock baggie).

16. When submitting tissue samples via mail, identify the project name and biological opinion (SER #) under which the take was authorized in the shipping container. Ship tissue samples to:

Mail samples to:
Robin Johnson
Geological Survey
Leetown Science Center
Aquatic Ecology Branch
11649 Leetown Road
Kearneysville, WV 25430

Collection Date	Species (ATS or SNS)	Permit or Biological Opinion Number	Action Agency, Permit Holder, Responsible Party	Unique Fish ID

PIT Tag Number	Latitude	Longitude	Fork Length (mm)	Total Length (mm)	Preservative

Tag Info	Mortality (Y or N)	Comments

Field	Description
Collection Date	Date sturgeon tissue sample was collected (MM/DD/YYYY)
Species	Use "ATS" for Atlantic Sturgeon and "SNS" for Shortnose Sturgeon
Permit or Biological Opinion Number	Biological Opinion PCTS tracking number (e.g., SER-2017-12345)
Action Agency, Permit Holder, Responsible Party	Action Agency identified in the Biological Opinion as conducting/funding/carrying out the action
Unique Fish ID	Unique identification number of the fish provided by researcher, observer, handler, etc.
PIT Tag Number	PIT Tag number if detected/or applied
Latitude	Latitude of collection (decimal degrees) - If specific latitude of capture is not known, estimate midpoint of the trawl tow, dredge segment/pass, etc.
Longitude	Longitude of collection (decimal degrees) - If specific latitude of capture is not known, estimate midpoint of the trawl tow, dredge segment/pass, etc.
Fork Length (mm)	Fork length of fish measured in millimeters
Total Length (mm)	Total length of fish measured in millimeters
Preservative	Type of preservative used
Tag Info	Acoustic or other tag number (optional)
Mortality (Y or N)	Was the the take lethal?
Comments	Enter any special notes about the fish (i.e., condition) or sample. Include whether PIT tag was a pre-existing (i.e., animal was a recapture)

Please submit all tissue samples to Robin Johnson

Robin Johnson
U.S. Geological Survey
Leetown Science Center
Aquatic Ecology Branch
11649 Leetown Road
Kearneysville, WV 25430

Electronic metadata should be sent to rjohnson1@usgs.gov

Collecting, Preserving, and Packaging Samples:

• Collect tissue by removing a small 1-2 cm^2 section of fin clip from the pelvic fin using a pair of sharp scissors.
• Place the 1-2 cm^2 section of fin clip in small screw top vials (2 ml screw top plastic vials preferred; e.g., MidWest Scientific AVFS2002 and AVC100N) with preservative. Please avoid glass vials.
• Label vial with fish's unique ID number.
• RNAlater™ is the preferred preservative; RNAlater™ is a proprietary salt solution that is not a hazardous material.
• 95% absolute ETOH (un-denatured) is an accepted alternative; however, ETOH is a Class 3 Hazardous Material due to its flammable nature and RNAlater™ is strongly preferred.
• If non-screw top vials are used, seal individual vials with leak proof positive measure (e.g., tape).
• Package vials together (e.g., in one box) with an absorbent material within a double-sealed container (e.g., zip lock baggie).
• If using excepted quantities of ETOH, follow DOT and IATA packaging regulations, including affixing ETOH

PIT Tag Type	Incidental Reporting Form Submitted?	Action Agency, Permit Holder, Responsible Party
New Tag Applied		BOEM
Existing Tag Detected		EPA
No Tag Detected/None Applied		FEMA
		FERC
		NMFS
		NOAA
		NOS
		NPS
		OAR
		USACE
		USCG
		USGS
		US Navy
		US Army
		US Marine
		US Air Force
		Other