

APPENDIX M

USCG Interim Vessel Approach Guidance

R 231731Z JUL 96

FM COMDT COGARD WASHINGTON DC//G-O/G-OCU/G-OPN/G-OCS//
TO D3/COMLANTAREA COGARD PORTSMOUTH VA//A//
D1/CCGDONE BOSTON MA//D//
D7/CCGDSEVEN MIAMI FL//D//

BT

UNCLAS FOUO //N03120//

SUBJ: APPROACH DISTANCES TO WHALES

1. THE COAST GUARD IS PREPARING A DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) TO ASSIST IN THE PROCESS OF DECIDING THE APPROPRIATE METHODS FOR THE COAST GUARD TO IMPROVE THE PROTECTION AND CONSERVATION OF MARINE SPECIES AND THEIR HABITATS ON THE ATLANTIC COAST WHILE CONTINUING TO PERFORM OUR MISSIONS. THE DEIS WILL BE COMPLETED ON 31 JULY 1996 AND SENT OUT FOR PUBLIC COMMENT.

2. IN CONSULTATION WITH THE NATIONAL MARINE FISHERIES SERVICE (NMFS), ONE OF THE REASONABLE AND PRUDENT ALTERNATIVES IN THE BIOLOGICAL OPINION DATED 22 JUL 96 CONCERNED THE ISSUANCE OF IMMEDIATE GUIDANCE TO COAST GUARD VESSELS ON APPROACH DISTANCES TO WHALES. UNTIL SUCH TIME AS NMFS AND THE COAST GUARD ESTABLISH A DETAILED PROTOCOL REGARDING APPROACHES TO WHALES, MODIFIED APPROACH GUIDANCE IS REQUIRED.

3. THE FOLLOWING GUIDANCE CONCERNING COAST GUARD VESSEL APPROACHES TO WHALES SHALL BE IMMEDIATELY INCORPORATED IN DISTRICT OPERATING DIRECTIVES AND PROVIDED TO ALL BOATS AND CUTTERS: ALL COAST GUARD VESSELS, DURING NON-EMERGENCY OPERATIONS, SHALL NOT APPROACH WHALES HEAD-ON, NOR APPROACH RIGHT WHALES WITHIN 500 YARDS. THE APPROACH DISTANCE TO ALL OTHER WHALES IS 100 YARDS. A WHALE SHOULD BE TREATED AS A RIGHT WHALE UNLESS THE WHALE IS POSITIVELY IDENTIFIED AS A ANOTHER WHALE SPECIES. APPROACH DISTANCES MAY VARY IF THE COAST GUARD VESSEL IS ASSISTING IN THE RESCUE OF AN ENDANGERED WHALE, INCLUDING RIGHT WHALES, OR PERFORMING DUTIES TO ENFORCE THE ENDANGERED SPECIES ACT OR THE MARINE MAMMAL PROTECTION ACT.

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