

R 261940Z NOV 08 ZUI ASN-A02331000022
FM COMLANTAREA COGARD PORTSMOUTH VA//AR/AP//
TO AIG 11967
CCGDONE BOSTON MA//DR/DP/DRMC//
CCGDFIVE PORTSMOUTH VA//DR/DP/DRMC//
CCGDSEVEN MIAMI FL//DR/DP/DRMC//
INFO COMDT COGARD WASHINGTON DC//CG-5314/CG-761/CG-54133//
COMPACAREA COGARD ALAMEDA CA//PXO/PR//
CCGDEIGHT NEW ORLEANS LA//DR/DP/DRMC//
CCGDNINE CLEVELAND OH//DR/DP/DRMC//
COGARD REGFISHTRACEN NE CAPE COD MA
COGARD REGFISHTRACEN SE CHARLESTON SC
NOAA NMFS WASHINGTON DC//ENF//
NMFS SE REGION ST PETERSBURG FL

BT

UNCLAS FOUO //N16214//

TRACKLINE LANT 09-08

SUBJ: NORTH ATLANTIC RIGHT WHALE SHIP STRIKE REDUCTION RULE
ENFORCEMENT GUIDANCE

- A. USCG MARITIME LAW ENFORCEMENT MANUAL, COMDTINST M16247.1 (SERIES)
 - B. OCEAN STEWARD, PROTECTED LIVING MARINE RESOURCES STRATEGIC PLAN
 - C. 251952Z NOV 08, ENFORCEMENT POLICY FOR THE NORTH ATLANTIC RIGHT WHALE SHIP STRIKE REDUCTION RULE
 - D. MY 261932Z, WHALES-USCG VESSEL SPEED, APPROACH AND STRIKE RESPONSE GUIDANCE
1. PURPOSE. THE NATIONAL MARINE FISHERIES SERVICE (NMFS) IMPLEMENTED SPEED LIMITS TO REDUCE THE LIKELIHOOD OF SERIOUS INJURY AND DEATHS OF NORTH ATLANTIC RIGHT WHALES DUE TO SHIP STRIKES ALONG SPECIFIC AREAS OF THE EASTERN SEABOARD EFFECTIVE 09 DEC 2008. THIS MESSAGE DETAILS THE RULE AND DEFINES LANTAREA'S ENFORCEMENT POSTURE.
 2. DISCUSSION. AS AN OCEAN STEWARD AND THE FEDERAL GOVERNMENT'S PRIMARY AT-SEA ENFORCEMENT AGENCY, THE USCG IS RESPONSIBLE FOR CONSERVING THE ENDANGERED NORTH ATLANTIC RIGHT WHALE PER REFS A AND B. SHIP STRIKES JEOPARDIZE THE CONTINUED SURVIVAL OF THE SPECIES. USCG AND NMFS HAVE PARTNERED TO ADDRESS WHALE/SHIP COLLISIONS. ON 10 OCT 08, NMFS ISSUED A SHIP STRIKE REDUCTION RULE THAT WILL BE EFFECTIVE 09 DEC 2008 WHICH REQUIRES VSLS 65 FT OR GREATER IN LENGTH TO OPERATE AT 10 KNOTS OR LESS OVER GROUND IN CERTAIN LOCATIONS AND AT CERTAIN TIMES OF YEAR ALONG THE EAST COAST OF THE ATLANTIC SEABOARD CONSISTENT WITH THE ANIMAL'S MIGRATORY PATTERN.
 - A. PRIMARY ENFORCEMENT WILL BE CONDUCTED SHORESIDE BY NOAA'S OFFICE OF LAW ENFORCEMENT (OLE). CG-761 IS INSTITUTING A CENTRALIZED DATA EXCHANGE TO NOAA OLE SO THAT NOAA CAN ANALYZE NAIS DATA TO DETECT SPEED LIMIT OVERAGES PER REF C.
 - B. OPPORTUNISTIC ENFORCEMENT WILL INVOLVE USCG'S SURFACE ASSETS. USCG'S ENFORCEMENT POSTURE IS TO MONITOR VSL TRAFFIC IN THE COURSE OF NORMAL OPERATIONS AND REPORT OBSERVED VIOLATIONS THROUGH THE CHAIN OF COMMAND.
 3. SHIP STRIKE REDUCTION RULE REQUIREMENTS:
 - A. AFFECTED VSLS: ALL VSLS GREATER THAN OR EQUAL TO 65 FT IN OVERALL LENGTH AND SUBJECT TO U.S. JURISDICTION, AND ALL OTHER VSLS GREATER THAN OR EQUAL TO 65 FT IN OVERALL LENGTH ENTERING OR DEPARTING A PORT OR PLACE SUBJECT TO U.S.

JURISDICTION.

- B. EXEMPTED VSLS: U.S. VSLS OWNED/OPERATED/CONTRACTED TO THE FEDERAL GOVERNMENT, FOREIGN SOVEREIGN VSLS CONDUCTING EXERCISES WITH THE NAVY, STATE OR LOCAL LAW ENFORCEMENT ENGAGED IN LE OR SAR. USCG HAS SEPARATE, INTERNAL GUIDANCE FOR ENSURING SAFE SPEED OF CG SURFACE ASSETS IN WHALE HABITATS PER REF D.
- C. SPEED LIMIT: MANDATORY SPEED RESTRICTIONS OF 10 KNOTS OR LESS OVER GROUND.
- D. AFFECTED AREA: THE FOLLOWING 05 SEASONAL MANAGEMENT AREAS (SMA'S) IN THE D1, D5, AND D7 AOR'S HAVE SPEED LIMITS IN EFFECT. INFORMATIONAL CHARTS ARE AVAILABLE ON NMFS' WEB SITE AT <http://www.nmfs.noaa.gov/pr/shipstrike/>.
- E. SEASONAL MANAGEMENT AREAS:
 - (1) SOUTHEAST U.S. SMA (D7 AOR): FROM 15NOV-15APR IN THE AREA BOUNDED BY 31-27-00.0N 080-51-36.0W, TO THE MEAN HIGH WATER LINE THEN SOUTH ALONG CHARTED MEAN HIGH WATER LINE AND INSHORE LIMITS OF COLREGS TO 29-45-00.0N 080-51-36.0W, BACK TO STARTING POINT.
 - (2) MID-ATLANTIC SMA (IN D1, D5 AND D7 AOR'S): FROM 01NOV-30APR:
 - A. WILMINGTON, NC TO SAVANNAH: 33-56-42.0N 077-31-30.0W, ALONG A NW BEARING OF 313.26 DEGREES TRUE TO CHARTED MEAN HIGH WATER LINE THEN SOUTH ALONG MEAN HIGH WATER LINE AND INSHORE LIMITS OF COLREGS TO A LATITUDE OF 31-27-00.0N, EAST TO 31-27-00.0N 080-51-36.0W, TO 31-50-00.0N 080-33-12.0W, TO 32-59-06.0N 078-50-18.0W, TO 33-28-24.0N 078-32-30.0W, TO 33-36-30.0N 077-47-06.0W, BACK TO THE BEGINNING POINT.
 - B. WITHIN A 20 NM RADIUS (MEASURED SEAWARD OF COLREGS AND THE CENTER POINT OF THE FOLLOWING PORT ENTRANCES:
 - 1) PORTS OF NEW YORK/NEW JERSEY: 40-29-42.2N 073-55-57.6W.
 - 2) PORTS OF PHILADELPHIA AND WILMINGTON: 38-52-27.4N 075-01-32.1W.
 - 3) PORTS OF HAMPTON ROADS AND BALTIMORE: 37-00-36.9N 075-57-50.5W.
 - 4) PORTS OF MOREHEAD CITY AND BEAUFORT, NC: 34-41-32.0N 076-40-08.3W.
 - C. IN BLOCK ISLAND SOUND BOUNDED BY 40-51.53.7N 070-36-44.9W, TO 41-20-14.1N 070-49-44.1W, TO 41-04-16.7N 071-51-21.0W, TO 40-35-56.5N 071-38-25.1W, BACK TO THE STARTING POINT.
 - (3) CAPE COD BAY SMA (D1 AOR): FROM 01JAN-15MAY IN AN AREA BOUNDED BY 42-04-56.5N 070-12-00.0W, 42-12-00.0N 070-12-00.0W, WEST TO CHARTED MEAN HIGH WATER, THEN ALONG CHARTED MEAN HIGH WATER WITHIN CAPE COD BAY BACK TO THE BEGINNING POINT.
 - (4) OFF RACE POINT SMA (D1 AOR): FROM 01MAR-30APR IN THE AREA BOUNDED BY 42-30-00.0N 069-45-00.0W, 42-30-00.0N 070-30-00.0W, 42-12-00.0N 070-30-00.0W, 42-12-00.0N 070-12-00.0W, 42-04-56.5N 070-12-00.0W, THEN ALONG CHARTED MEAN HIGH WATER LINE AND INSHORE LIMITS OF COLREGS TO A LATITUDE OF 41-40-00.0N, THEN DUE EAST TO 41-41-00.0N 069-45-00.0W, THEN BACK TO THE STARTING POINT.
 - (5) GREAT SOUTH CHANNEL SMA (D1 AOR): FROM 01APR-31JUL IN THE AREA BOUNDED BY 42-30-00.0N 069-45-00.0W, 41-40-00.0N

069-45-00.0W, 41-00-00.0N 069-05-00.0W, 42-09-00.0N
067-08-24.0W, 42-30-00.0N 067-27-00.0W, 42-30-00.0N
069-45-00.0W.

- F. DYNAMIC MANAGEMENT AREAS (DMA'S): NOAA MAY INSTITUTE VOLUNTARY SPEED RESTRICTIONS OF 10 KNOTS OR LESS IN LOCATIONS OUTSIDE OF THE SMA'S WHERE ELEVATED RIGHT WHALE DENSITIES ARE OBSERVED. ARME WILL PROVIDE NOTICE OF DMA'S TO DISTRICTS AS NMFS ISSUES DMA'S.
4. ENFORCEMENT ACTION: THE FIRST 03 MONTHS OF RULE EFFECTIVENESS WILL FOCUS ON OUTREACH AND EDUCATION. AT THE END OF THE OUTREACH AND EDUCATION PHASE, LANT WILL ISSUE SUBSEQUENT GUIDANCE TO IDENTIFY CASE PACKAGE REQUIREMENTS ASSOCIATED WITH USCG'S ENFORCEMENT OF THIS RULE. IN THE COURSE OF NORMAL OPERATIONS AND IN A CONSISTENT AND NOT-TO-INTERFERE BASIS WITH OTHER MISSION PRIORITIES, THE USCG WILL MONITOR VSL TRAFFIC FOR POTENTIAL VIOLATORS. THE USCG WILL NOT CONDUCT ANY AT-SEA BOARDINGS FOR THE SOLE PURPOSE OF ENFORCING THIS RULE. CG WILL DETECT, HAIL/ID, INFORM, AND REPORT POTENTIAL VIOLATORS TO NOAA OLE. FIELD UNITS WILL WORK WITH NOAA OLE ON A CASE BY CASE BASIS REGARDING EGREGIOUS VIOLATIONS.
- A. DETECTION: MEANS MAY INCLUDE VISUAL ASSESSMENTS, RADAR, VMS, OR AIS.
- B. HAILING/ID: FIELD UNITS SHALL VISUALLY AND THROUGH HAILING, OBTAIN ID INFO INCLUDING VSL NAME, TYPE, CALL-SIGN (IMO NUMBER OR DOCUMENTATION NUMBER), LAST/NEXT PORT OF CALL, AND HAILING PORT.
- C. INFORMING VSL OF POTENTIAL VIO: FIELD UNITS SHOULD THEN RELAY THE FOLLOWING VIA VHF: QUOTE. YOU MAY BE IN VIOLATION OF REGULATIONS TO PROTECT THE CRITICALLY ENDANGERED RIGHT WHALE. IN THIS SEASONAL MANAGEMENT AREA, NOAA REQUIRES VLS 65 FEET OR GREATER TO OPERATE AT SPEEDS OF 10 KNOTS OR LESS, WHEN CONSISTENT WITH SAFETY OF NAVIGATION. USCG WILL NOTIFY NOAA OF THIS TRANSMISSION. UNQUOTE.
- D. HANDLING EGREGIOUS VIOLATIONS: EGREGIOUS VIOLATIONS WILL BE HANDLED ON A CASE-BY-CASE BASIS. UNITS ARE ADVISED TO REMAIN ON SCENE WHEN FEASIBLE, AND CONTACT TACON TO ENGAGE DISTRICT DRE AND NOAA OLE'S NATIONAL HOTLINE (800-853-1964) TO CONTACT DUTY NOAA OLE AGENT FOR EVIDENCE REQUIREMENTS.
- E. REPORTING:
- (1) FIELD UNITS WILL REPORT POTENTIAL VIOLATORS VIA LE SITREP PER REF A. FIELD UNITS WILL INCLUDE POTENTIAL VIOLATOR ID INFO, POSITION, COURSE, SPEED, DATE/TIME OF POTENTIAL VIO AND THE UNIT'S MEANS OF DETECTION.
- (2) MISLE/AOPS: FIELD UNITS WILL REPORT SIGHTINGS IN MISLE AND USE ELT-MPS AS THE MISSION CODE.
- (3) ON A WEEKLY BASIS, ARME WILL COMPILE A LIST OF POTENTIAL VIOLATORS AND BATCH TRANSMIT THEM THROUGH THE CGLO TO NOAA OLE SOUTHEAST AND NORTHEAST DIVISIONAL OFFICES FOR FURTHER ACTION. FAX NUMBERS: FOR ME-NC: 978-281-9317; SC-FL: 727-824-5355.
- F. SHORESIDE ASSIST: FOR THE PURPOSE OF OFFICER SAFETY, NOAA OLE MAY REQUEST USCG'S ASSISTANCE TO BOARD POTENTIAL VIOLATORS DURING THE COURSE OF SCHEDULED PORT STATE CONTROL BOARDINGS. ON A NOT-TO-INTERFERE BASIS WITH OTHER MISSION PRIORITIES, FIELD UNITS ARE ENCOURAGED TO ENGAGE DISTRICT LEDO'S AND COORDINATE WITH NOAA OLE TO ASSIST WITH THE REQUEST.

5. DISTRICTS SHALL ENSURE THAT FIELD UNITS HAVE VISIBILITY OF THIS GUIDANCE AND THAT THE REGIONAL FISHERY TRAINING CENTERS INCORPORATE IT INTO THEIR CURRICULA.
6. POC: MS. KATIE MOORE, LANT LMR AND MPS SPECIALIST, ARME, 757-398-6504.

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