

RIGHT WHALE NEWS

*An independent voice for right whale conservation and recovery,
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Report from the Calving Ground: 31 Calves

As of February 10, 31 right whale mother/calf pairs have been reported from the southeastern United States (SEUS) calving ground. If all of these reports are confirmed, this will be a tie for the highest calf production to date, with 31 calves also born in the 2001 season. A note of interest is that several of the mothers this year have given birth to their sixth or seventh calf. For additional information, an interesting aerial survey blog has been put up by the New England Aquarium:

www.neaq.org/education_and_activities/blogs_webcams_videos_and_more/blogs/right_whale_aerial_survey. Front-line results as well as behind-the-scenes descriptions of what it takes to be a researcher are found there. In addition, a plot of current sightings is provided by the NMFS Southeast Region at:

<http://sero.nmfs.noaa.gov/pr/mm/rightwhales/RightWhalesSouth.htm>.

Report from the Calving Ground: Entangled Whales

**Jamison Smith, Large Whale Disentanglement Coordinator,
NOAA/NMFS**

As of February 10, there have been five entangled whales in the SEUS. On December 8, 2008, the New England Aquarium (NEAq) aerial survey team located entangled right whale #3294 (an adult-size animal of unknown age and sex). Multi-agency disentanglement efforts during the middle of the month removed approximately 800 feet of line from the whale. The whale was later sighted on February 1, 2009 and is believed to be gear free. December 26, 2008, presented another entangled right whale, this time sighted by the Florida Fish and Wildlife Research Institute aerial survey team. The whale was identified by the NEAq as the 2007 calf of #1701 and with another multi-agency disentanglement effort over 680 feet of line was removed. The whale was later sighted on January 4, 2009 and confirmed to be gear free. Entangled right whale #3311 (the 2003 calf of #1711, unknown sex) was sighted entangled by the Georgia Wildlife Trust aerial survey team on January 14, 2009. A telemetry buoy was deployed for this difficult embedded head and mouth entanglement and the case is currently on-going. Multiple attempts have been made on this whale and to date, the animal's evasive behavior have made those attempts unsuccessful. Monitoring weather and the whale's location, local teams are prepared to respond as new tools and techniques are being developed. A fourth

entangled right whale, right whale #3420 (a 5-year-old female born in 2004), was sighted by the NEAq aerial survey team on January 31, 2009. A telemetry buoy was deployed but satellite data has been sporadic and the case is currently on-going. Lastly, on February 7, the Georgia Wildlife Trust aerial survey team identified the 2007 calf of right whale #2614 as entangled. A telemetry buoy was attached on February 9, but attempts at gear removal await a favorable weather window.

Navy Atlantic Fleet Receives Authorization for Active Sonar Training

A notice of the Record of Decision (ROD) for Atlantic Fleet Active Sonar Training (AFAST) was published in the Federal Register, Vol. 74 No. 19, page 56750, on January 30, 2009. The Department of the Navy plans to designate areas along the East Coast of the United States and in the Gulf of Mexico where mid- and high-frequency active sonar and improved extended echo ranging system training will occur. Implementation could begin immediately, and represents the training and activities necessary for the Navy to meet its obligation to organize, train, equip, and maintain combat-ready naval forces and to successfully fulfill its current and future global mission of winning wars, deterring aggression, and maintaining freedom of the seas.

The National Marine Fisheries Service (NMFS) issued regulations to govern the unintentional taking of marine mammals incidental to these activities for the period January 2009 through January 2014. These regulations allow for the issuance of “Letters of Authorization” (LOAs) for incidental takes, and prescribe the permissible methods of taking and other means of affecting the least practicable adverse impact on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. Among the requirements set forth by NMFS is a yearly review of Navy monitoring and current science that could influence monitoring and mitigation measures; and that the Navy shall convene a Monitoring Workshop in 2011 to review the Navy’s Monitoring Plans and results, and to make recommendations to the Navy and NMFS on ways to improve the Monitoring Plans.

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EDITORIAL

Spending Plan for \$7 Million: An Alternate View

In addressing recovery and conservation of right whales, resources—and the allocation of those resources—influence the outcome. A direct and important resource are the funds appropriated by Congress. The amount has varied over the years (see RWN November 2007) but currently is about \$7 million. For this fiscal year, there is uncertainty—as the federal budget is operating under a continuing resolution¹, which expires on March 6th. It is unknown what will transpire at that point. However, it is likely that a similar amount will become available for FY09². These funds are allocated by the agency with administrative responsibility—the National Marine Fisheries Service (NMFS), via the

Right Whale Spending Plan, the results of which have been reported regularly in *Right Whale News* (May 2008, May 2007, May 2006). Budgeting and funds allocation is always difficult and the results imperfect. The right whale spending plan is no exception. One area that elicits lively conversation and contention is the retention of 74% of the funds in-house by the administrative agency, with 37% going for agency salaries, and 13% going for travel and miscellaneous administrative costs. Of the Congressional appropriation, less than 25% goes to non-government investigators and institutions, which, in the opinion of some, form the backbone of right whale recovery and conservation. Annual priorities are established and budgets are developed internally at NMFS, and are “behind the curtain” (think Wizard of Oz). One can appropriately wonder if the available funds are being used in the best possible way. In the spirit of democratic participation, the question of an alternate spending plan was presented to the Editorial Board of *Right Whale News*. The resulting priorities, funds distribution, and supporting justifications are:

Table 1. An alternate right whale spending plan based on FY09 funds, as proposed by the Editorial Board of *Right Whale News*. All dollar amounts are expressed in thousands. For comparison to the FY08 Plan, see RWN May 2008, p. 3.

	NEC	NER	SEC	SER	F/PR	NOAA GC	Total
Right whale necropsy ¹	0	0	0	0	100		100
Disentanglement ²	0	250	0	0	0		250
Right whale gear research ³	500	0	0	0	0		500
Aerial surveys ⁴ (non-state cooperative funded)	700	0	0	300	0		1,000
NMFS salaries ⁵ (Full time equivalents and contract)	700	900	200	200	200		2,100
Take Reduction Team support ⁶	0	125	0	0	0		125
State cooperative funding (including funds for aerial surveys, recovery implementation, and enforcement)	0	500	0	800			1,300
Ship strike reduction ⁷	0	0	0	0	0		0
Health assessment ⁸	0	0	0	0	400		400
Stranding response	Include in Necropsy funds above –abandon NFWF and Prescott Funds as funding mechanisms						
Habitat research ⁹	230	0	0	0	0		230
Whale detection technologies ¹⁰	0	0	0	0	0		0
Sightings database/Photo-ID catalog ¹¹	438	0	0	0	0		438
Travel and Misc. Administrative costs ¹²	100	200	10	50	20		380
External Grants Program ¹³	800		300				1,100
Alternative Proposed Right Whale Budget (2009 - no increase requested)	3468	1975	510	1350	720		7923

Key to Table Columns: NEC=Northeast Fisheries Science Center; NER=Northeast Regional Office; SEC=Southeast Fisheries Science Center; SER=Southeast Regional Office, F/PR=Protected Species Headquarters in Silver Spring and NOAA GC = NOAA General Counsel.

Table Notes:

¹ Funds for necropsies have been made available through the Prescott Fund, but have been inconsistent through the last few years. Necropsies are an essential tool in monitoring the effectiveness of the ship-strike rule and impending fishing regulations.

² Until a solution to the fishing gear problem is found, NMFS must support disentanglement programs appropriately. NMFS should contract this work to experts..

³ There is still no solution to vertical line entanglements, and no plan to figure out what to do. This area is in urgent need of research to figure out how fishermen can fish without killing right whales. There have been three right whale entanglements (one of which will kill the whale) in January 2009 alone.

⁴ Aerial surveys should be focused on right whale issues – wintering grounds, early warning systems, disentanglement support, offshore habitat coverage. Broadscale multi-species surveys are not appropriate for these funds.

⁵ The allocation of right whale funds for agency salaries should be reviewed.

⁶ This item warrants review, as the NE Team is not meeting, and the SE Team is in the process of re-organization.

⁷ NMFS passed the ship-strike rule, now there needs to be enforcement. However, it is not clear which regions will be affected or how much funding would be required. The international AIS system in the shipping industry could make this a desk job, with data support from any number of subcontractors.

⁸ There is an urgent need to evaluate the health of right whales in the context of entanglements, coastal habitat use, red tides, and coastal parasites and diseases. The recovery plan requires it, and this area of endangered species management has been consistently under-supported by NMFS. Given the potential consequences of climate change, and the recently developed tools to evaluate marine mammal health, this is a high priority.

⁹ Habitat-use patterns by right whales are still poorly understood – to evaluate ongoing conflict potentials with fishing and shipping, this area needs attention.

¹⁰ Whale detection, including passive acoustic monitoring, may be partially addressed in an External Grants Program, and warrants overall discussion.

¹¹ Resources should be allocated to work off the backlog in the Right Whale Catalog

¹² This category appeared bloated in the NMFS budget, particularly in the Northeast Science Center. Reasonable costs for administration and travel should be allowed, but should be focused on right whale recovery.

¹³ The major advances in the science and management of the North Atlantic right whale have come from independent researchers (external to the agency). A review of the scientific and management publications on this species show that well over 90% of them are from non-NMFS scientists. To restore momentum toward developing appropriate conservation measures for right whales, an external grants program should be re-established to support work on population dynamics, human threats to recovery, and methods to mitigate those threats. The best method for review, selection, and administration of grants should be discussed.

Throughout this proposed alternative spending plan, the theme has been to increase funds to priority areas, to reduce funds to oversubscribed areas, and to incorporate the broader right whale community (external to the agency) in planning and budgeting decisions.

¹ When the Congress fails to pass a federal budget, it may instead implement a continuing resolution, which authorizes government agencies to spend at the current level until either the resolution expires, or an appropriations bill is passed.

² The federal fiscal year (FY) begins October 1 and ends September 30.

EDITORIAL

Sunshine on the Horizon

President Barack Obama announced on January 21, 2009, that his administration will roll back the secrecy that has ruled during the Bush administration and implement a new era of government openness and transparency. This statement was accompanied by a Memorandum for the Heads of Executive Departments and Agencies (Source: Office of the White House Press Secretary), including, “Transparency promotes accountability and provides information for citizens about what their Government is doing.” This may signal a welcome change in right whale recovery and conservation.

At a review of the SEUS right whale recovery plan implementation team, 3 May 2007, concerns were expressed about the lack of NMFS transparency with regard to the budget, lack of external participation in guiding budget priorities, lack of formal accountability for leadership, over-management of the team by NMFS, communication/accountability issues with NOAA/NMFS, and the NMFS role in decision-making. Under the new administration and guidelines, one can anticipate with optimism that these concerns will be addressed.

COMMENT

Navy’s Training Jeopardizes Right Whales

**Taryn G. Kiekow, Staff Attorney
National Resources Defense Council**

NMFS is in the process of proposing, and finalizing, permits for Navy exercises that will cause a projected 2 million “takes” of marine mammals each year off the east coast and Gulf of Mexico. The Navy’s exercises make use of mid-frequency active sonar, a technology known to significantly disrupt whale behavior and cause disorientation, hearing loss, injury, and even death in some species of marine mammals. In right whales, mid-frequency alarms have been found to disrupt foraging and drive animals to the surface, putting them at heightened risk of ship strike even at relatively moderate noise levels.

As required by the National Environmental Policy Act (NEPA), the Navy has issued final environmental impact statements and records of decisions (RODs) for sonar training along the eastern seaboard as well as in its Hawaii and Southern California ranges. And NMFS has issued permits under the Marine Mammal Protection Act (MMPA) that will allow the Navy to take many thousands of marine mammals every year.

Finalized on January 23, AFAST – Atlantic Fleet Active Sonar Training – is the latest, and largest, of the activities to be approved. The scope of the AFAST permit is extraordinarily broad. It allows sonar exercises to occur virtually anywhere along the Atlantic coast and Gulf of Mexico. By the Navy’s own estimates, AFAST exercises will harass marine mammals almost two million times each year – and almost ten million times over the course of the five-year MMPA permit.

Still on the table is the Navy’s proposed Undersea Warfare Training Range (USWTR). The proposed USWTR site would become yet another hub for Navy training with mid-frequency active sonar. The Navy plans to build a 500-square-mile sonar testing ground – with over 470 exercises slated for each year – off Jacksonville, Florida.

The Florida coast is an abject choice for USWTR given its close proximity to right whale critical habitat and breeding grounds. Locating USWTR next to the calving ground would pose a significant risk, particularly for mother and calf pairs that are generally believed to be most susceptible to noise disturbances. The range would also endanger right whales by exposing them to increased Navy ship traffic. Right whales are uniquely vulnerable to ship strikes because they often hover on or near the surface of the water but are difficult to detect due to their dark coloration and lack of a dorsal fin. Mothers and calves are more likely to remain on or near the surface given the limited lung capacity of newborns.

Despite these dangers, the Navy has arbitrarily concluded that not a single right whale would be injured by the more than 470 sonar training exercises taking place on the range each year. Such logic simply defies reason.

Many of the proposed USWTR exercises would employ the same sonar systems that have been implicated in mass injuries and mortalities of whales at various sites around the globe. High-intensity sound is known to affect marine mammals in countless other ways – inducing panic responses, displacing animals, and disrupting crucial behavior such as feeding, breeding, and navigating.

The construction and operation of USWTR would also pose a significant risk to beaked whales and five species of threatened and endangered sea turtles, as well as damage coral and hard-bottom habitat and release a variety of hazardous materials into coastal waters.

Yet the Navy has rejected a long list of mitigation measures that could reduce the harmful impacts of its sonar training, including seasonal restrictions during the right whale calving period and geographic exclusions of the right whale calving ground.

The Navy plans on issuing a final decision on USWTR in the spring. In the meantime, NMFS is charged with scrutinizing the Navy’s proposal, and has just opened a 120-day review of mitigation requirements for sonar exercises in the Atlantic and elsewhere. We can hope that NMFS, under the new administration, will finally require the Navy to meaningfully protect right whales and other marine mammals while training off our coasts.

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Department of Fisheries and Oceans Canada Releases Draft North Atlantic Right Whale Recovery Plan for Comment

In early January, Fisheries and Oceans Canada released its proposed North Atlantic right whale recovery plan (The Recovery Strategy for the North Atlantic Right Whale (*Eubalaena glacialis*) in Atlantic Canadian Waters [Proposed January 2009], (Brown, M.W., D. Fenton, K. Smedbol, C. Merriman, K. Robichaud-LeBlanc and J. D. Conway). A public comment period expires on March 9, 2009. The draft Recovery Strategy can be found on line at:

http://www.sararegistry.gc.ca/document/default_e.cfm?documentID=1750

Under the Canadian Species at Risk Act (SARA), which was enacted in 2003, the federal Department of Fisheries and Oceans with the mandate for marine mammals “*is to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity*”. The North Atlantic Right whale falls within this category.

The definition of recovery in this case is the process by which the decline of the Right Whale in Atlantic Canadian waters is arrested or reversed and threats are removed or reduced to improve the likely hood of the whales’ eventual recovery to a sustainable level. The North Atlantic Right Whale Recovery strategy is the planning document that identifies areas of concern and needs in order for the whale to recover to a level where its “*long-term persistence in the wild has been secured*”.

The Canadian North Atlantic Right Whale Recovery Implementation Team, established in 2000, played a key role in providing input into the development of the Recovery Strategy. The Strategy was a joint venture in that the discussions and deliberations were co-chaired by Department of Fisheries and Oceans and the Canadian Whale Institute, and is the result of many years of consultation with a vast array of interested groups and organizations which included, the fishing industry, marine mammal researchers, Canadian military, NGO’s, First Nations, federal and provincial governments, academia, and the US government (NMFS). This strategy not only identifies the goals and objectives to be undertaken, but also suggests how this should be accomplished through detailed planning in the action planning stage.

The Recovery Strategy interim goal is to “*Achieve an increasing trend in population abundance over three generations*”. To accomplish this goal the Strategy identifies seven objectives:

- Reduce mortality and injury as a result of vessel strikes.
- Reduce mortality and injury as a result of fishing gear interactions (entanglement and entrapment).
- Reduce injury and disturbance as a result of vessel presence or exposure to contaminants and other forms of habitat degradation.

- Monitor population and threats.
- Increase understanding of life history characteristics, low reproductive rate, habitat requirements and threats to recovery through research.
- Support and promote collaboration for recovery between government agencies, academia, environmental non-government groups, Aboriginal peoples, coastal communities and international agencies and bodies.
- Develop and implement education and stewardship activities that promote recovery.

Notwithstanding the objectives identified in the Recovery Strategy, there remain gaps in our knowledge of the North Atlantic Right whale in Canadian waters. These have been identified in the Strategy, as well as a suggested course of action that should be taken to begin to address these outstanding issues. Public comment is an important part of this process and members of the right whale community have an opportunity to read and comment on the Strategy before the March 9, 2009 deadline.

Ocean Noise on the Rise

A combination of reports released in late 2008 focused on the global increase in ocean noise. The first report, published by Keith Hester and colleagues from the Monterey Bay Aquarium Research Institute in the October 1 issue of *Geophysical Research Letters*, indicates that decreasing pH in ocean waters due to increases in atmospheric CO₂ will reduce the absorption of sounds below 10 kHz. This will contribute to an increase in the propagation range for sounds in the ocean, including sounds made by whales as well as noise generated by human activities. This increased propagation range will contribute to a rise in ambient background noise in the oceans.

The second report came from the United Nations Environment Programme's Convention on Migratory Species conference in Rome in early December. At the conference, international wildlife conservation groups urged governments and industry to adopt quieter engines for ships, stricter regulations on the use of seismic surveys in oil and gas exploration and new, and less intrusive sonar technologies by navies.

The last report is the final report for the NOAA international symposium on the Potential Application of Vessel-Quieting Technology on Large Commercial Vessels (1-2 May, 2007). This report summarized the outcomes from the symposium: (http://www.nmfs.noaa.gov/pr/pdfs/acoustics/vessel_symposium_report.pdf)

A general conclusion was that initial efforts need to focus on changes to propulsion systems (and propellers specifically) for noise reduction, and that many of these changes have not been seriously considered in the design and operation of large vessels due to the limited attention given to the reduction of underwater noise. An initial step will involve informing ship designers, owners, and operators of this environmental issue.

These reports all highlight the increasing awareness of the human impacts on noise in the ocean (ranging from large vessels to overall global climate change). The ultimate impact of increased noise on right whale communication is unclear, however there is no question that increased noise will reduce the potential range for communication in this species.

Right Whale Sightings in Unusual Places

Philip K. Hamilton, Robert D. Kenney, Timothy V.N. Cole

Over the years, we have come to be able to predict where many right whales are during some months, but there are always surprises. In the last few months, there have been an unusual number of those surprises!

On December 3rd, a right whale was seen swimming west through the Cape Cod Canal. The Army Corps closed the canal down while this animal slowly made its way out into Buzzards Bay. Unfortunately no identification photographs were taken and this animal's identity will remain unknown. There has been a smattering of sightings in the canal over the years with the first one occurring in June of 1957 and six others between 1986 and 2005. All but one other were in April and May when animals are heading northeast up the coast. The last sighting prior to the December 3rd sighting was April 29th, 2005 when the right whale Calvin (#2223) and her young calf swam through the canal and into Cape Cod Bay. Luckily, to our knowledge no right whales have been struck by vessels while in the canal.

Another interesting sighting, or series of sightings, also happened in December 2008. NOAA's Northeast Fisheries Science Center reported finding right whales in the middle of the Gulf of Maine. The location near Jordan's Basin is part of the news—but the timing of those sightings is more exciting. For five years now, they have consistently seen whales in this area in December and January, the months when we suspect that right whales are getting pregnant. This past year it was a particularly large aggregation—a tantalizing indicator that this may be one of the places where right whales are conceived. There were fewer than a dozen sightings in the area in all years prior to 2004, but it is unknown whether that is solely because there has been little effort in this area. The discovery was made by the NEFSC's broad-scale surveys, and the area clearly warrants further investigation.

The last unusual sighting is perhaps the oddest. On January 5th, a right whale was seen swimming south of Pico Island in the Azores! This is only the second sighting there since the 1880's (the last one was 1914). There has been speculation in the past that the Azores could have been an area where the western and eastern stocks met enroute to their calving grounds off Africa and the southeast US. There have been very few sightings on the eastern side of the North Atlantic in the 20th and 21st centuries and we were unsure whether this animal would be one from the Catalog. But, sure enough, it was a female, #3270, that had last been seen in the Bay of Fundy less than 4 months earlier. She has since been named Pico for the island near where she swam and a remarkable similarity between the shape of the island and the shape of the callosity on her head. We will be watching her sightings with heightened interest after this little jaunt! You can keep track of new sightings on the catalog's web site: <http://www.neaq.org/rwcatalog>.

It's a large ocean out there and there are likely many more interesting locations that right whales go to that we never learn about. With their ability to swim thousands of kilometers, the possibilities are endless.

New Right Whale Exhibit

The New Bedford Whaling Museum has announced the articulation and display of the skeletons of a 48-foot-long pregnant female right whale (female # 1909) and her fetus. The display went up in November 2008 and was the culmination of events that began in November 2004, when these two animals were accidentally killed off the coast of Virginia. The job of articulating the bones was begun by Andrew and Jean Konnerth, who also prepared the museum's sperm and blue whales. After the bones were hoisted to the ceiling, a team from Whales and Nails, led by Daniel DenDanto, finished the job 25 feet in the air, by connecting ribs, flippers, shoulder blades, sternum, and pelvis. The skeleton of the fetus was positioned inside the mother, behind the rib cage, and in front of the pelvis. Photos are available at: flickr.com/photos/nbwm/sets/72157609649292222/.

Lubchenko Appointed Head of NOAA

President Barack Obama has appointed Oregon State University professor Jane Lubchenko to head the National Oceanic and Atmospheric Administration (NOAA). According to the *Washington Post*, Lubchenko is a conservationist who has devoted much of her career to encouraging scientists to become more engaged in public policy. Andrew Rosenberg, formerly deputy director of NMFS and currently a professor at the University of New Hampshire, praised Lubchenko as an "absolutely world-class scientist. By selecting someone who is both a respected researcher and an active player in national policy discussions," Rosenberg added, "it is saying that science agencies have a role in policy. They need to be tightly connected, and I believe they will be under Jane." Dr. Lubchenko received a Ph.D. from Harvard in marine ecology, and actively promotes science and the communication of scientific knowledge. She founded the Aldo Leopold Leadership Program that teaches outstanding academic environmental scientists to be effective leaders and communicators of scientific information to the public, policy makers, the media, and the private sector. She currently serves as chair of the Advisory Board. At press time, Jane Lubchenko's appointment is awaiting confirmation by the Congress.

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Calendar

May 12, 2009. Southeast U.S. Right Whale Recovery Plan Implementation Team (SEIT) meeting. To be held at the Environmental Education Center, Guana Tolomato Matanzas National Estuarine Research Reserve, Ponte Vedra, Florida. For information, contact SEIT co-chair, Leslie Ward at Leslie.Ward@MyFWC.com.

October 12-16, 2009. 18th Biennial Conference on the Biology of Marine Mammals sponsored by the Society of Marine Mammalogy, to be held in Quebec, Canada. For details, go to www.marinemammalogy.org.

November 11-12, 2009. North Atlantic Right Whale Consortium Annual Meeting. New Bedford Whaling Museum, New Bedford, Massachusetts. For information, see the Right Whale Consortium website, www.rightwhaleweb.org, in early fall.

Right Whale News

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