

**North Atlantic Right Whale Recovery Plan
Northeast US Implementation Team
July 30-31, 2024**

**Thomas P. O'Neill Federal Building
Boston, MA**

KEY OUTCOMES MEMORANDUM

I. Overview

The North Atlantic Right Whale Recovery Plan Northeast U.S. Implementation Team (NEIT) conducted a two day meeting on July 30-31, 2024 at the Thomas P. O'Neill, Jr. Federal Building in Boston, MA. The agenda can be found in Appendix A, and the NEIT deliberations focused on the following primary objectives:

- Share updates on right whale status and recovery
- Review NEIT Monitoring Recommendations and identify any next steps
- Review update and discuss GARFO Draft NARW Emergency Response Plan
- Review updates and continue to discuss wind development in the Greater Atlantic Region

This Key Outcomes Memorandum summarizes the primary results of the NEIT deliberations from the discussions noted above. In general, the synthesis integrates the main themes discussed at the meeting and are presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes, and Next Steps. The Key Outcomes section is further segmented into the following sections:

- Welcome and Meeting Kick Off. This section provides a brief overview of the meeting purpose and agenda review.
- NEIT Business. This section includes the NEIT process and meeting planning.
- Focused NEIT discussions. This section includes focused discussions, including any resulting in consensus actions and/or recommendations.
- Consensus Actions. This section summarizes any consensus actions to be taken by the Team.
- Consensus Recommendations. This section summarizes any consensus recommendations of the Team.
- Other. This section summarizes other topics discussed during the meeting as applicable.

II. Participants

The NEIT meeting was attended by 13 of the 14 Team Members: Erin Summers (Team Lead), Katie Moore, Bob Glenn, Mark Baumgartner, William McLellan, Roxanne Gillett, Joel Bell, Elise Lacaille, Cori Rose and Meghan Rickard attended in person, Desray Reeb, Cindy

Driscoll, and Danielle Cholewiak attended via webinar. Dave Wiley was unable to attend and will be informed of Team deliberations.

Diane Borggaard (NEIT Liaison), Colleen Coogan, Corie Grewal, and Kara Shervanick (SEIT Liaison) represented NOAA Fisheries (NMFS). Other NMFS staff attended specific portions of the meeting via webinar to give presentations to the Team and/or answer questions.

The Key Outcomes Memorandum was distributed to the entire Team for feedback.

III. Meeting Materials

The following materials were provided to NEIT members via email prior to or at the meeting:

- Draft meeting agenda
- February 2024 Meeting Summary
- NEIT Monitoring Recommendations
- Considerations for the NEIT: Offshore Wind document
- NEIT 2024 Right Whale Outreach Summary
- NEIT Large Whale Priority Overlap table
- NEIT Priorities (2019-2025) tracker
- NEIT Activities Status

IV. Key Outcomes

Below is a summary of the main topics and items discussed during the two-day meeting. This summary is not intended to be a meeting transcript and is not necessarily in chronological order of discussions. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussions, and areas of full or emerging consensus.

A. Welcome and Meeting Kick Off

The meeting began with a welcome and brief introduction from the Team Lead, E. Summers. She also provided more information on the agenda and logistics for the duration of the meeting.

B. NEIT Business

D. Borggaard provided various NMFS updates to keep the NEIT informed of activities in the region that the Team expressed interest in. This included updates on efforts underway such as regional Endangered Species Act Section 7 work on offshore wind projects, regional aquaculture development, and bilateral coordination with Canada. D. Borggaard noted that many NMFS staff contributed to the updates. NMFS will continue to keep the NEIT informed of these efforts and any future outcomes.

D. Borggaard also noted that there may be a number of upcoming NMFS developments regarding North Atlantic right whales that may be of interest to the Team, and that she would coordinate with Erin to schedule webinars for the Team on various topics as they were released. For example, Caroline Good (NMFS Office of Protected Resources) joined remotely to provide a NMFS update on the North Atlantic Right Whale vessel speed rule status, with the intent to present to the Team via webinar upon release of the final rule. Additionally, Mendy Garron joined the meeting remotely to provide the Team with an update on the draft right whale Emergency Response Plan (ERP), which is in development at GARFO. After providing the Team with an overview of what is included in the draft ERP, she answered some questions from Team members, including questions regarding future implementation of Unusual Mortality Events post-Chevron deference and whether protocols for high risk situations (e.g., large aggregations, whales in “out-of-habitat” locations) were provided somewhere. C. Coogan and D. Borggaard noted that the Team could receive more background on the Chevron ruling at a future meeting. M. Garron agreed that having plans in place for multi-agency coordination during high risk situations is important, and noted that protocols for specific situations could be included in an appendix to the ERP. Based on NEIT interest, D. Borggaard requested a Team update on those protocols at the next meeting so that the NEIT could provide input.

Mike Henry, the Assistant Director of the Office of Law Enforcement (OLE)’s Northeast Enforcement Division, provided an update on recent right whale-related enforcement efforts to the Team. He noted that enforcing right whale regulations continues to be a regional priority for OLE, and described some of their efforts to enforce the vessel speed rule and the Atlantic Large Whale Take Reduction Plan. He described operations and provided updates on cases pertaining to the vessel speed rule¹. W. McLellan commended recent OLE support during large whale necropsies to ensure safe and secure necropsy sites, and M. Henry noted that OLE is happy to continue providing that support. Additionally, M. Henry described a new OLE initiative using geofencing around right whales to send VMS messages and emails to vessels transiting through the area, encouraging them to slow down. OLE uses aerial survey summaries to determine if these areas should be geofenced. The Team was very interested in this initiative and M. Baumgartner raised the idea of including acoustic triggers in addition to visual triggers from aerial surveys. The Team determined that they would convene a working group to learn more about the guidelines that OLE is using and generate recommendations for GARFO that could be provided to OLE for consideration. Initially, the working group will include E. Summers, M. Baumgartner, K. Moore, D. Cholewiak and D. Wiley. D. Borggaard noted that she would get back to the working group and would coordinate meetings with OLE and the OLE Liaison for PRD, M. Garron, so that the working group could learn more.

¹ For example, see NOAA Office of Law Enforcement “[Council report - Second Quarter, FY 2024](#)”. As noted in these reports, “OLE does not release information on any ongoing or open investigations.”

D. Cholewiak provided various updates from the NEFSC, including a summary of right whale survey effort for FY24 and plans for FY25, new work on geospatial artificial intelligence to detect whales, and recent health assessment-related projects for right whales (e.g., a five-year health assessment strategy is in development, a Species in the Spotlight health assessment workshop was held in June 2024). Additionally, she noted that NMFS is working to standardize biopsy collection and sample preservation protocols for right whale samples, and NMFS' right whale samples will now be archived in the National Institute of Standards and Technology Biorepository.

In addition to NMFS updates on the current status of North Atlantic right whales, W. McLellan provided a detailed update on four known right whale mortalities between February 2024 (when the most recent previous NEIT meeting took place) and July 2024. The Team noted the uptick in carcasses in 2024 (five total), an overall increase in annual known mortalities as only two or less carcasses were found per year between 2020 and 2023. K. Moore provided an update for the Southeast Implementation Team (SEIT). For example, the SEIT held an in-person meeting in May to discuss updates after the 2023-2024 calving season. She said that the SEIT has an outreach/education engagement focus with the large yachting community to reduce vessel strikes.

A number of Team members provided detailed updates per the draft agenda. Massachusetts Division of Marine Fisheries provided some important updates including noting that the Massachusetts Department of Environmental Protection had denied the surface water discharge permit modification brought by Holtec to release nuclear wastewater from the Pilgrim Power Station in Plymouth into Cape Cod Bay, citing the potential for environmental harm to the Bay.² This update concluded the Team's continued interest on this issue, which was originally raised during the December 2022 Team Meeting.³ J. Bell noted during his update that the Navy owns and operates a Twin Otter that has been used for research support on other projects and may be used for flying right whale surveys in the future. The New York State Department of Environmental Conservation (NYSDEC) provided an update on their aerial survey contract coordination. M. Rickard noted that the contract will provide for six surveys a year, although the schedule for those surveys has not yet been determined. She welcomed early input from the NEIT. C. Rose provided an update from the Army Corps of Engineers, including work underway to provide technical assistance and tools related to vessel speeds during and between dredging projects. Fisheries and Oceans Canada and Transport Canada provided updates to the Team on the various recovery activities occurring in Canada, such as right whale surveillance efforts and current measures for

² See the press release from MA Department of Environmental Protection [here](#).

³ For more information on the Team's discussions of the Pilgrim Power Station wastewater release, see the [December 2022 Key Outcomes Memorandum](#).

[fishery](#) and [vessel traffic](#) management. K. Moore provided a U.S. Coast Guard update regarding ship speed rule hail/informs, recent NARW stranding responses, east coast Traffic Routing Measures, and workforce shortages. D. Reeb provided an update on offshore wind development activities in the Atlantic.

NEIT business consisted of revisiting the Team activities tracker and the NEIT public email account activity, reviewing a NEIT new member orientation document under development, and discussing potential winter meeting dates. The winter NEIT meeting will likely take place sometime in January or February and may be in-person or via webinar. The winter meeting will focus on agenda items such as evaluating the final vessel speed rule (i.e., if released before the meeting date) and continuing to consider monitoring at offshore wind sites. The Team also discussed conducting outreach on the NEIT at the North Atlantic Right Whale Consortium in October and determined that Team members attending in person would attempt to have a table available during a portion of the meeting for members of the public to engage with them. M. Baumgartner noted that he would follow up with the Team after discussing with the Consortium organizers.

C. Focused Discussions

Monitoring Discussion

During the February 2024 Team meeting, the Team determined that they would go through their 2021 Monitoring Recommendations to GARFO and provide updates on monitoring efforts that have commenced since 2021.⁴ During the summer meeting, E. Summers led the Team through a refresher of their recommendations. D. Cholewiak provided updates from the NEFSC, and other members filled in with their organization monitoring updates throughout the presentation as well. The Team discussed each individual recommendation at length and determined that much work has been done to accomplish what was recommended since 2021.

After D. Cholewiak gave an update that the NEFSC Aerial Survey Team would not have access to the plane for the remainder of 2024, the team revisited the unaddressed NEIT recommendation regarding the purchase of another aircraft by NOAA AOC for dedicated right whale aerial surveillance. Currently, the allocation of time on existing aircraft is spread across multiple NOAA and NMFS' mission requirements, and cannot be allocated year-round to right whale surveillance. The Team inquired whether recent Inflation Reduction Act (IRA) funding allocated for right whale recovery could be used for this purpose, but D. Cholewiak noted that the IRA funding is meant for new technologies and is not intended to be used for aerial surveys. Furthermore, the acquisition of additional aircraft would have to be conducted by NOAA AOC. The Team reiterated that a plane fully

⁴ For more background, see the [February 2024 Key Outcomes Memorandum](#).

dedicated to right whale surveillance would provide much needed information about the abundance and distribution of the species. J. Bell noted that the Navy Twin Otter mentioned during his organization update could be used for additional aerial surveys in the mid-Atlantic, and expressed interest in setting up a plan for coverage in the mouth of the Chesapeake Bay since the area is a high risk area for vessel strikes. D. Cholewiak noted that she would follow up with J. Bell to determine a path forward for putting a plan in place. The Team also discussed the surveys starting in New York and determined that any additional funding that could be provided would assist in generating additional coverage of the area beyond what NYSDEC is able to provide initially in order to flesh out a schedule for surveys.

Additionally, D. Cholewiak presented a table provided by the NEFSC that showed FY25 priority areas throughout the Greater Atlantic region for aerial survey coverage for NEIT input. The Team provided some ideas for priority changes to various areas based on other efforts and knowledge of the included areas, however, members also noted that it would be useful to cross reference the planned coverage with other modes of monitoring (e.g., vessel based surveys and passive acoustic monitoring) to determine where true gaps in coverage exist. R. Gillett noted that DFO coordinates an annual fieldwork coordination meeting to share all planned monitoring efforts for each upcoming year which helps identify where gaps in coverage occur. D. Cholewiak noted that the aerial workshop that the NEFSC hosted in Spring 2024 was well received for coordination purposes by all organizations involved, and acknowledged that compiling all types of monitoring information each year could be informative and useful for coordination. The Team provided a recommendation for such an effort for GARFO to consider.

Offshore Wind Development Discussion

M. Baumgartner provided a presentation on his research evaluating the efficacy of real time PAM near offshore wind energy development sites, which will also be presented at the North Atlantic Right Whale Consortium in October. His research, which looked at how best to configure PAM arrays (e.g., how many stations are needed, how far from the construction site should they be) requires a maximum allowable probability of missed mitigation (i.e., the level of protection for right whales). This performance metric may be set by regulators, so that developers have the flexibility to configure set ups that just have to meet this standard metric. He noted that he has shared this work with the GARFO Section 7 Team to get their thoughts and feedback. D. Reeb expressed interest in BOEM also having the opportunity to review, so that NMFS and BOEM could work together on any potential considerations from the regulator side. M. Baumgartner agreed, and indicated that he would provide D. Reeb with the work. The Team determined that they would give NMFS and BOEM some time to review the research and have further discussions on this topic once the agencies have had some time to consider next steps.

D. Reeb provided an update on BOEM’s long-term PAM requirements for offshore wind projects. The Construction and Operations Plan terms and conditions states: “The Lessee must conduct long-term monitoring of ambient noise, baleen whales and commercially-important fish vocalizations in the Lease Area before, during, and following construction. The Lessee must conduct continuous recording at least 1 year before construction, during construction, initial operation, and for at least 3 but no more than 10 full calendar years of operation to monitor for potential noise impacts.” Lessees are required to deploy enough recorders to identify location of any vocalizing North Atlantic Right Whale within the lease area assuming 10 km detection range, and minimum 10 kHz sample rate, continuous recording over the entire year, amongst other requirements.

D. Reeb also described BOEM’s new ‘contribution authority’ which allows BOEM to accept funds from Lessees to allow BOEM and partners (POWERON team) to conduct PAM on their lease area, absolving them of long-term PAM requirements. BOEM is investing \$5.8M of IRA funds to deploy tetrahedral sensors on or between lease areas in the NY Bight to get bearings to vocalizing whales. Hoping for first deployments by the end of 2024.

D. Reeb reported that lessees are using a suite of tools for real-time detections of whales during construction e.g. Thayer Mahan 32-element “seapicket” array and the RS-Aqua “Orca”, 5-element array, 96 kHz sample rate. Some lessees are also proposing to use these systems in vessel corridors.

D. Consensus Actions

- The Team will convene a working group to learn more about OLE’s VMS messaging program and determine considerations for possible distribution for acoustic detections. The working group will circle back to the full NEIT for a future update.

E. Consensus Recommendations

- GARFO should continue to collaborate with partners to further mid-Atlantic monitoring (e.g., aerial surveys off Chesapeake Bay and New York) and explore funding opportunities (e.g, Atlantic States Marine Fishery Commission funds).
- GARFO should work with NEFSC and partners to consider how to best coordinate information sharing about aerial, boat-based and acoustics efforts in the region (e.g., annual meeting).
- The NEIT previously recommended an additional aerial survey platform to meet various NEIT 2021 monitoring recommendations and restates this need.

V. Next Steps

- D. Borggaard will get back to the NEIT VMS messaging working group and coordinate meetings with OLE and the OLE Liaison for PRD, Mendy Garron, so that the working group could learn more about the VMS messaging system.
- D. Borggaard will work with C. Good and provide any NMFS updates on the vessel speed rulemaking for the Team.
- E. Summers will brief D. Wiley on the listed actions, recommendations and next steps that stemmed from this meeting to ensure that he is updated and the final summary represents NEIT consensus.
- D. Cholewiak will follow up with J. Bell to determine whether the NEFSC can work with the Navy to establish a plan for aerial surveys in the mouth of the Chesapeake Bay.
- M. Baumgartner will work with the North Atlantic Right Whale Consortium organizers to determine if tabling is a possibility and get back to the Team with more information ahead of the October meeting.
- Team members will provide any feedback on the NEIT new member orientation document.
- Team members will reach out to E. Summers and D. Borggaard with any ideas for potential meeting agenda items for the winter meeting. Ideas to date include:
 - If the vessel speed rule has been released, the Team will revisit their 2021 Monitoring Recommendations letter to GARFO again to determine if any updates to their recommendations should be made to provide adequate information for implementation of the rule.
 - An update from NOAA and BOEM on the status of their review of M. Baumgartner's work on PAM arrays at offshore wind development sites
 - A presentation on the work completed to include specific guidance on high risk situations in the GARFO NARW Emergency Response Plan.
 - A presentation on the Chevron ruling.
 - A presentation from the NEFSC on right whale health efforts.
- E. Summers will reach out to the NEIT to determine when the next meeting can take place. D. Borggaard will also coordinate with E. Summers to help finalize the planning for the next meeting.

Appendix A. Draft Meeting Agenda*

DAY 1

Time	Topic	Lead(s)	Length
0800	Room is open; Plan adequate time to start promptly at 0830	--	
0830	Welcome, Introduction and Getting Organized	Diane Borggaard, Erin Summers	15 mins
0845	NMFS Updates	Diane Borggaard, Danielle Cholewiak, etc.	90 mins
1015	BREAK	All	15 mins
1030	NMFS Updates (continued)	NMFS	60 mins
1130	GARFO Update: Draft NARW Emergency Response Plan	Mendy Garron	60 mins
1230	LUNCH BREAK	All	60 mins
1330	RW Mortality Update	Bill McLellan	30 mins
1400	Team Member Round Robin Updates	All	15 mins
1415	Monitoring	Danielle Cholewiak, Erin Summers, All	45 mins
1500	BREAK	All	15 mins
1515	Monitoring (continued)	All	90 mins
1645	Summary of Discussion and Wrap Up	Erin Summers, Diane Borggaard	15 mins
1700	Adjourn		

DAY 2

Time	Topic	Lead(s)	Length
0730	Room is open; Plan adequate time to start promptly at 0800	--	
0800	Welcome, Recap of Day 1; Overview of Day 2	Diane Borggaard, Erin Summers	10 mins
0810	TBD (e.g., Member and/or NMFS updates cont'd as needed)	TBD	50 mins
0900	Wind Research Update and Discussion	Mark Baumgartner, All	60 mins
1000	BREAK	All	15 mins
1015	Wind Research Update and Discussion (continued)	Mark Baumgartner, All	30 mins
1045	Review NEIT Priorities Based on Updates	All	75 mins

1200	LUNCH BREAK	All	60 mins
1300	TBD	All	120 mins
1500	BREAK	All	15 mins
1500	Any Other Identified Topic		60 mins
1615	Plan for NEIT meeting <ul style="list-style-type: none"> ● Timing ● Meeting options/format ● Agenda possibilities 	All	30 mins
1645	Summary of Discussion and Wrap Up	Erin Summers, Diane Borggaard	15 mins
	Adjourn		

* Times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary. Agenda items may be adjusted to allow more time for various unfinished topical discussions, if necessary.