North Atlantic Right Whale Critical Habitat

NOAA FISHERIES

SERO Protected Resources Division

BOEM NC Renewable Energy Task Force

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Preface

Presentation focuses on:

- Critical habitat in SER (Unit 2)

Presentation excludes:

- Critical habitat in NE US (Unit 1)

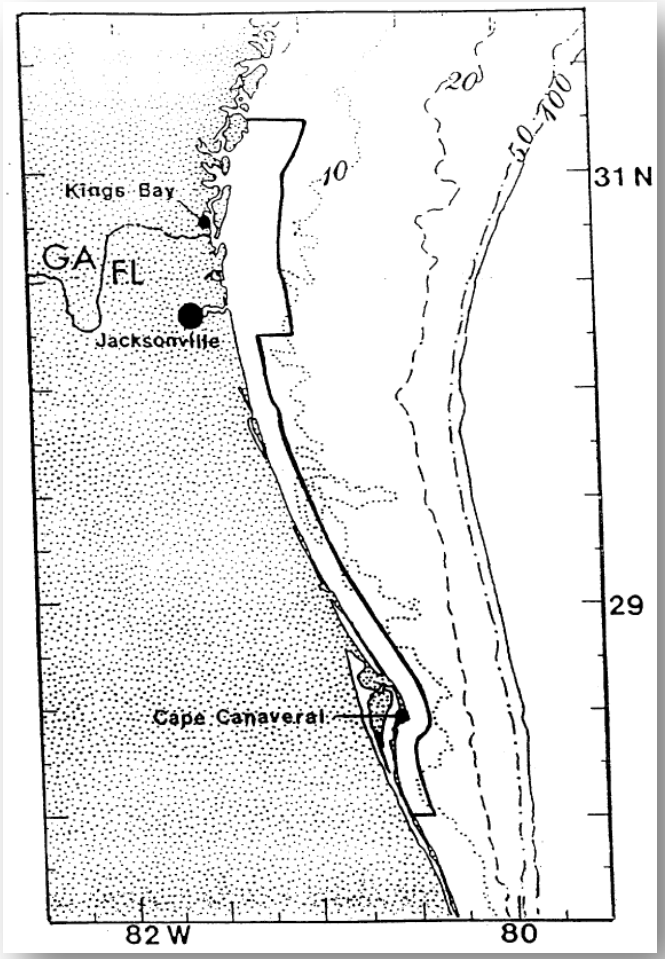
Outline

- Existing Critical Habitat
- Why Revisit RW Critical Habitat?
- Identifying Critical Habitat
- Critical Habitat
- What “May Effect” Critical Habitat
- Information

Background: 1994 Critical Habitat

Based primarily on opportunistic sightings

Late 1980's: calving area was "rediscovered" by researchers



Why Revisit Right Whale Critical Habitat?

2008 Right Whale Listing (73 FR 12024)

- Was northern right whale (*Eubalaena* spp.)
- Now two endangered species:
  - North Atlantic right whale (*E. glacialis*)
  - North Pacific right whale (*E. japonica*)

2009 Petition

- Presented information warranting a revision (75 FR 61690)

ESA Section 3 Defines Critical Habitat

i) The specific areas within the geographical area occupied by the species, at the time it was listed, on which are found those physical or biological features

I) essential to the conservation of the species and

II) which may require special management considerations or protection; and

ii) specific areas outside the geographical area occupied by the species at the time it is listed…that …are essential for the conservation of the species.

Essential Conservation Objective

"Facilitating successful calving by protecting the species' calving area is a key conservation objective." (50 FR 9314)

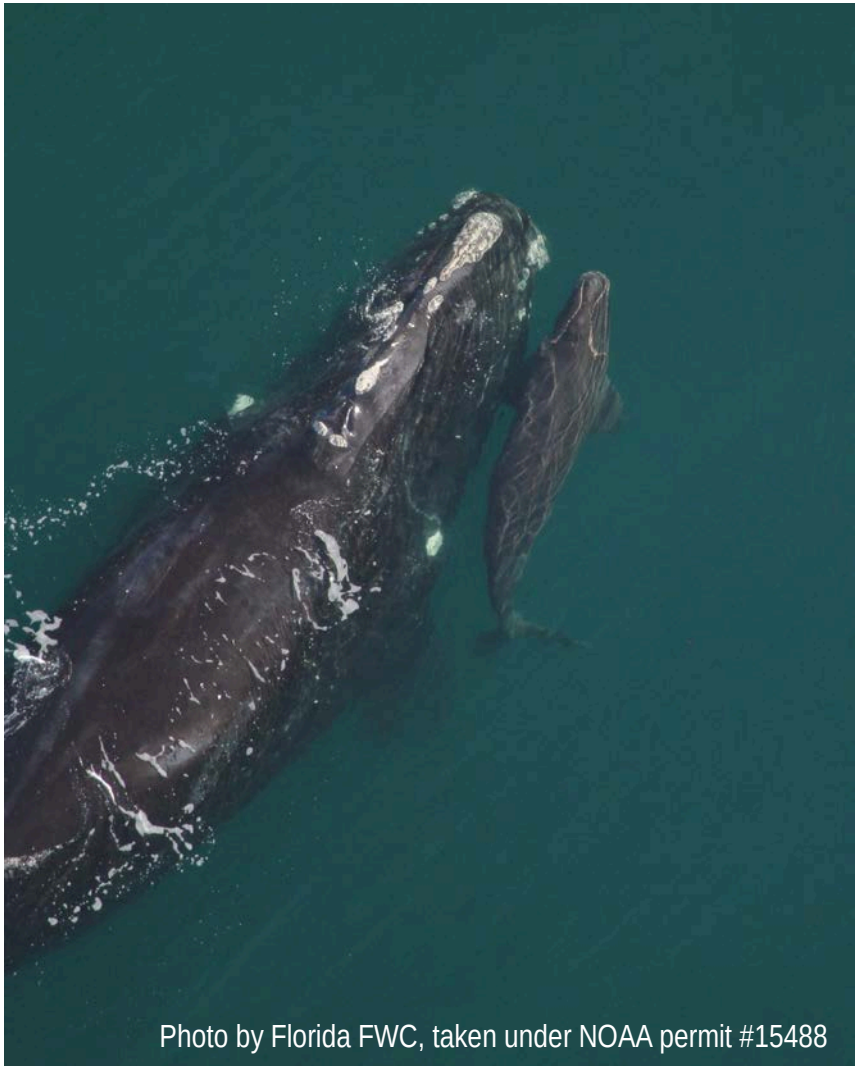


Photo by Florida FWC, taken under NOAA permit #15488

Identifying specific areas that meet CH definition

What are the physical or biological features that are essential because they provide calving area functions in these areas?

Photo by Wildlife Trust, NOAA Permit #594-1759

NARW Calving Habitat Essential Features

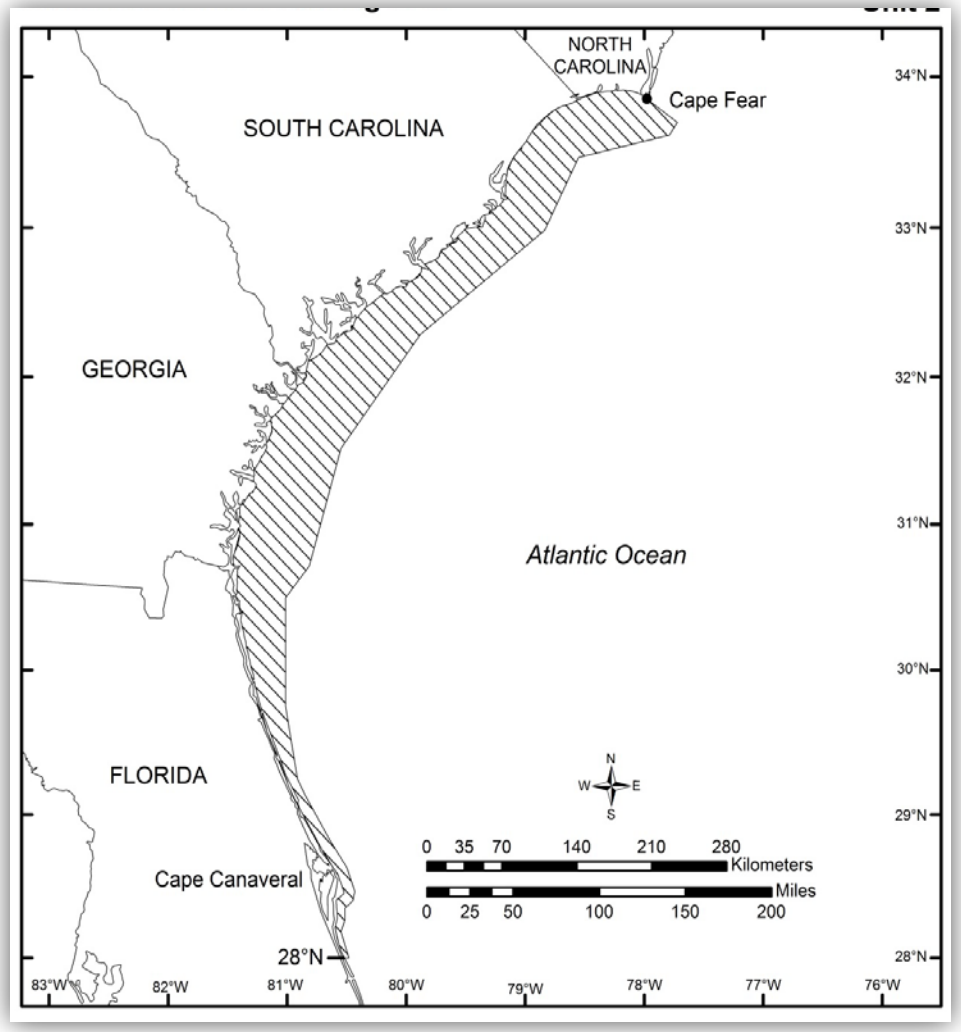
1. Calm seas surface conditions of Force 4 or less on the Beaufort Wind Scale;
2. Sea surface temperatures from a minimum of 7°C and never more than 17°C; and
3. Water depths of 6 to 28 meters

Where the features simultaneously co-occur over a contiguous area of >231 km^2 from Nov through April

Photo by Florida FWC, taken under NOAA permit #15488

Calving Area Critical Habitat (Unit 2)

Marine waters from Cape Fear, North Carolina, southward to 28°N latitude (approximately 31 miles south of Cape Canaveral, Florida) within the area bounded on the west by the shoreline and the 72 COLREGS lines, and on the east by rhumb lines connecting stated points.



Evaluating the Effects of a Project

1. Does it Effect PCEs?
   a) Calm seas surface conditions,
   b) SST 7ºC-17ºC; and
   c) Water depths of 6 to 28 meters
2. Does it Effect Selectability?
   - M/C pairs must be able to select from a dynamic range of PCEs within Critical Habitat

Photo by Florida FWC, taken under NOAA permit #15488

What "May Effect" Critical Habitat -Unit 2?
(if Located within Unit 2)

Based on Past Consultations

- Dredging and Spoil Disposal
- Marine Construction Permitting; including Restoration and Artificial Reef Placement

USACE/BOEM Permitted: Dredging, Dredge Spoil Disposal, and Beach Nourishment

Routes of Effect:

- Physical disturbance and changes may affect water depth
- Water depth changes may affect selectability of dynamic combination of features

Analysis:

Will the proposed activity destroy, adversely modify, or appreciably diminish the value of Unit 2 to calving right whales?

Other USACE-Permitted Marine Construction Projects

(Ditching, Artificial Reefs, etc.)

Routes of Effect:

- Water depth could be affect by ditching for cables, artificial reef structure placement, etc.
- Water depth changes may affect selectability of dynamic combination of features

Analysis:

- Will the proposed activity destroy, adversely modify, or appreciably diminish the value of Unit 2 to calving right whales?

What “May Effect” Critical Habitat?

New Categories Anticipated:

- Oil and gas exploration and development
- Offshore renewable energy development
- Marine aquaculture

BOEM-Permitted Oil and Gas Exploration and Development

Construction/operation of offshore production facilities could affect water depth.

Routes of Effect:

- Physical disturbance and changes may affect water depth
- Water depth changes may affect selectability of dynamic combination of features

Analysis:

Will the proposed activity destroy, adversely modify, or appreciably diminish the value of Unit 2 to calving right whales?

BOEM-Permitted Offshore renewable energy development: Large Offshore Installations

Routes of Effect

- May fragment large, continuous areas of essential features such that Unit 2 is rendered unsuitable for calving right whales.
- May impact selectability of feature combinations

Analysis:

Will the proposed activity destroy, adversely modify, or appreciably diminish the value of Unit 2 to calving right whales?

Marine Aquaculture

Large arrays or fields of individual net-pens

Routes of Effect

- May act as physical barriers and prevent or limit right whale mother/calf pairs from selecting the proper combination of essential features suitable for calving, rearing and nursing.

Analysis:

- Physical barriers would likely be analyzed/addressed through consultation on the species (i.e. a “take” topic).
- Given potential measures to protect species, will the proposed activity destroy, adversely modify, or appreciably diminish the value of Unit 2 to calving right whales?

Supplementary Information

Website:
http://www.fisheries.noaa.gov/pr/species/mammals/whales/north-atlantic-right-whale.html

- Final Rule
- References List
- Biological Source Document
- Draft ESA Section 4(b)(2) Report