

**North Atlantic Right Whale Recovery Plan  
Northeast US Implementation Team  
December 14-16, 2022**

**Webinar**

**KEY OUTCOMES MEMORANDUM**

**I. Overview**

The North Atlantic Right Whale Recovery Plan Northeast U.S. Implementation Team (NEIT) conducted a three-day webinar on December 14-16, 2022. 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
- Share and review updates from the NARWC
- Review updates and discuss offshore wind development in Greater Atlantic Region
- Spring NEIT meeting coordination

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 12 of the 13 Team Members: Desray Reeb (Team Lead), Katie Moore, Bob Glenn, Erin Summers, Mark Baumgartner, William McLellan, Roxanne Gillett, Cindy Driscoll, Joel Bell, Meghan Rickard, Danielle Cholewiak and Dave Wiley. Lynn Alberta was unable to attend and will be filled-in on team deliberations.

Diane Borggaard (NEIT Liaison) and Colleen Coogan represented NOAA Fisheries (NMFS). Except for the NEIT Liaison, NMFS staff attended specific portions of the webinar to give presentations to the team and/or answer questions. Corie Grewal (Integrated Statistics, Inc. in support of NMFS Greater Atlantic Regional Fisheries Office (GARFO)) attended to facilitate use of the meeting platform and capture notes and key discussions.

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
- July 2022 Meeting Summary
- NEIT Activities Status Table
- NEIT Priorities (2019-2023) Tracker
- NMFS Northeast U.S. NARW Consortium Wind Presentations

### **IV. Key Outcomes**

Below is a summary of the main topics and items discussed during the three-day webinar. 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 Introductions**

The meeting began with a welcome and brief introduction from the team lead, D. Reeb and the NEIT liaison, D. Borggaard. D. Reeb reviewed the team purpose and draft agenda.

#### **B. NEIT Business**

D. Borggaard relayed updates from NMFS, beginning with an update on the close of the comment period for the Proposed Rule amending the NMFS vessel speed rule from Dr. Caroline Good, NMFS Office of Protected Resources. NMFS GARFO also provided various updates to keep the NEIT informed of activities that the team expressed interest in. This included updates on efforts underway such as ongoing Atlantic Large Whale Take Reduction Plan (ALWTRP) efforts, the draft Emergency Response Plan, and regional aquaculture projects. D. Borggaard noted that many NMFS staff contributed to the updates and NMFS would continue to keep the NEIT informed of these efforts and any future outcomes. Mike Henry (Deputy Special Agent in Charge) and Caleb Gilbert (Compliance Liaison) from the Office of Law Enforcement (OLE) Northeast Enforcement Division joined

the meeting to provide updates on right whale enforcement efforts, including gear inspections and vessel speed operations, in the region.

D. Borggaard also provided updates on team business. The Terms of Reference, which the team came to consensus on in October, were finalized, but the team will have time to review the document again before it is posted on the website in the new year. She also mentioned that the GARFO Regional Administrator will be renewing the team for another two year period, so team members would be provided with official letters of reappointment in the early spring. She asked members to consider if they are willing to continue to participate on the team ahead of those letters being sent out and provide notice if they are not able to. Team members were also encouraged to consider if they would be willing to take on the additional responsibility of stepping into the team lead role, which will also be available for a two year term.

D. Cholewiak provided various updates from the Northeast Fisheries Science Center (NEFSC). NEFSC updates included information on right whale survey efforts and updates to the ALWTRT Decision Support Tool. D. Cholewiak also addressed prior NEIT recommendations that the NEFSC has since advanced, such as new and continued monitoring efforts in historic hotspots and high risk areas, and efforts for broadscale monitoring.

In addition to the NMFS updates on NARW, W. McLellan usually provides a detailed update on known NARW mortalities since the most previous NEIT meeting. However, in the absence of any documented NARW mortalities since the team last met, he provided an update on efforts he is involved in with NMFS and others related to the [NARW Unusual Mortality Event](#), including a report back after a Transboundary Necropsy Protocols Workshop that was held after the North Atlantic Right Whale Consortium (NARWC). He also did note that although there were no documented mortalities, there were four serious injuries in 2022 and that morbidity was added to the UME protocol which significantly increased the number of whales counted in the UME.

Team members provided detailed updates per the draft agenda. For example, Fisheries and Oceans Canada (DFO) and Transport Canada (TC) provided updates to the team on the various activities occurring in Canada centered on right whale conservation, such as current fishery and vessel management efforts and disentanglement response program updates. Maine DMF also provided updates on the state's Passive Acoustic Monitoring (PAM) array and field testing efforts with fishermen. The U.S. Navy provided information on a [suction cup tagging event for one right whale](#) in a pair traveling south in November. Stellwagen Bank National Marine Sanctuary (SBNMS) provided an update on right whale

related research underway. New York DEC reported on funding for whale monitoring. The U.S. Coast Guard provided an update on speed rule enforcement efforts.

Additional NEIT business consisted of planning the spring NEIT meeting as well as upcoming webinars and events. The spring NEIT meeting will be planned as an in-person meeting with the opportunity to fall back to a webinar style of meeting depending on the state of the current COVID-19 pandemic, and the consideration of other potential conflicts. D. Reeb will be in touch with the team to determine meeting dates. The team discussed meeting location options and possible agenda topics, including another regional update on aquaculture projects and potential discussion on modeling efforts used for regional management purposes.

### **C. Focused Discussions**

#### **Offshore Wind Energy Development: Presentations and Discussion**

At the 2022 spring meeting, the team asserted their interest in gaining more information on the offshore wind (OSW) energy development process. Particularly, the team was interested in potential impacts from OSW development in the region on right whales, as well as current considerations at NMFS for those impacts during the permitting and development process. Prior to the meeting, team members reviewed several videos provided by NMFS staff on topics such as NMFS's approach to right whale recovery with OSW development, protected species management in the context of OSW development, and NEFSC research on impacts to right whales from OSW development. (Note: These videos were previously presented at the October 2022 [North Atlantic Right Whale Consortium](#).) The team then heard from external experts on various efforts and initiatives to consider the impacts to right whales from OSW development, which are outlined below. Finally, D. Reeb led the team in a discussion of specific topics that they were interested in further pursuing as a team after gaining more information on the subject from the external experts.

#### *NMFS NEFSC*

Chris Orphanides, the NEFSC Wind Energy Team's science lead for offshore wind energy development and protected species, joined the team to provide insight on monitoring and research efforts underway at the NEFSC. He spoke about monitoring efforts to collect baseline data on zooplankton movement prior to wind farm installation and to determine right whale habitat use in and adjacent to Wind Energy Areas. The team asked several questions to learn more about what the current work will accomplish and what challenges are facing NMFS as the agency attempts to better understand the impacts of offshore wind to right whales in the region. C. Orphanides mentioned funding as a current barrier to filling all knowledge gaps prior to large scale wind farm construction and operation. D. Borggaard mentioned that she would also take questions and comments from the team for

NMFS GARFO, whose protected species and offshore wind team representative could not attend the meeting.

### *BOEM*

D. Reeb provided a thorough background for the team on the OSW permitting process that BOEM conducts to identify and lease Wind Energy Areas to developers and the phased approach and reviews undertaken prior to approving construction and operation. She provided specific information to the team on the status of various OSW projects, including how many lease sales have been conducted, leases issued, research leases issued, and Construction and Operation Plans submitted. The team collectively expressed interest in understanding the monitoring and mitigation plans for marine mammals for the two OSW projects that are fully permitted to begin construction, as they set the precedent for other projects going forward. D. Reeb also mentioned the NOAA/BOEM Draft North Atlantic Right Whale and Offshore Wind Strategy, which identifies the agencies' aligned goals and objectives to better understand the effects of offshore wind development on the whales and their habitat and will serve as a living document that will provide insight for future projects as more knowledge is gained.

Zach Jylkka also attended the meeting to provide more information on the marine spatial planning aspect that BOEM currently undertakes to identify Wind Energy Areas for OSW. He explained the process of narrowing down the scale of the area that is initially up for consideration. The process by which the areas decrease in size involves public comment periods, whereby the public can comment on the suitability of the proposed planning areas in consideration of current ocean use. A few team members asked clarifying questions at the end of the presentation.

### *Regional Wildlife Science Collaborative*

Emily Shumchenia attended the meeting to provide background on the Regional Wildlife Science Collaborative (RWSC), a cooperative group established in 2021 to support research and monitoring on wildlife and offshore wind. The team heard about the RWSC's efforts to develop a science plan that will reflect the research and data collection needs of stakeholders involved in offshore wind development, with input from the science community. Several NEIT team members are involved with the RWSC's Marine Mammal Subcommittee, one of six subcommittees with various focuses. A few team members asked clarifying questions at the end of the presentation.

### *Project WOW (Wildlife and Offshore Wind)*

Doug Nowacek, co-PI of Project WOW, presented an overview of the project, which is a collaboration led by Duke University to provide a long-term, adaptive roadmap for efficient and effective assessment of the potential effects of OSW development on marine life. He

provided the team with a timeline of the project and an outline of the process for the two Integrated Regional Ecosystem Studies that will be conducted over the course of the project. A few team members asked clarifying questions at the end of the presentation.

After the team received all presentations by external experts, many members expressed their gratitude to D. Reeb and D. Borggaard for arranging the speakers because they provided such a breadth and depth of information on the subject. A few team members had other updates on OSW efforts from their organizations. For example, R. Gillett noted that Canada is just getting started with their OSW development efforts, with more work to come in the next few years. OSW is an emerging priority for the country; similar to U.S. targets, some provinces are setting goals for OSW such as a recently announced five gigawatt target by 2030 in Nova Scotia. D. Reeb kicked off a more general discussion on the topic, noting that the team had already heard about several of the challenges of responsibly developing OSW while working to promote right whale recovery, like unknown oceanographic impacts and cumulative impacts. D. Borggaard mentioned that information on risks of vessel strikes due to more vessels on the water and risk of entanglement in OSW cables are also highlighted in BOEM and NMFS' Draft NARW and Offshore Wind Strategy. A few team members brought up concerns about layering more potential risk in for right whales, and for not being able to feed new information back into projects that are already permitted. These team members were also concerned that the timeline for wind energy is so fast moving that it may be too late to change course if the monitoring and research initiatives outlined in the presentations provide information that may show that right whales are affected sometime in the future. D. Reeb told the team that BOEM is looking into adaptive options for future projects to address this feedback issue.

After the general discussion, the team focused on a potential avenue for further investigation and input. During Z. Jylkka's presentation, he noted that BOEM just completed a comment period for a Request for Information in the Gulf of Maine, to develop areas there for OSW. The team determined that the area in consideration would overlap significantly with right whale habitat and is in right whale Critical Habitat. A few members were interested in the Protected Resources map layer provided by NMFS to BOEM that is being used to inform the next comment period. D. Borggaard told the team that she would follow up with the NMFS GARFO protected species and OSW team to get more information on potential areas for NEIT discussion on these topics. D. Reeb planned to follow up with Z. Jylkka to determine if there was any additional information on work for potential Gulf of Maine Wind Energy Areas that could be shared with the team as they determine a path forward on this issue. D. Reeb also noted that she would share other updates as they arose on OSW development in the Northeast U.S.

### **Pilgrim Power Station Wastewater Release**

On the first day of the meeting, D. Wiley brought the team's attention to a current event in Cape Cod Bay that he wanted the team to consider from a right whale recovery standpoint. The decommissioned Pilgrim Nuclear Power Plant, located in Plymouth, MA and currently owned by Holtec International, has radioactive wastewater in a holding pool. One of the potential disposal techniques that the company is considering is to discharge the wastewater into Cape Cod Bay, potentially polluting the Bay, which is right whale Critical Habitat. D. Wiley asked the team if they would be willing to hear from one of his colleagues at SBNMS on the issue. The team agreed, and Pete DeCola, Superintendent of SBNMS was invited to attend the meeting on Day 2 to provide a short presentation on the issue and what the Sanctuary has done thus far on this topic.

On Day 2, P. DeCola from SBNMS provided the team with more background information on the issue, explaining that there is speculation that the water has both pollutants and radioactive material. The water is being filtered, but it is unknown whether that will remove all harmful material prior to discharge. Holtec is also working on a characterization of the water to determine what is in it. An Endangered Species Act consultation for the project conducted with NOAA Fisheries in 2012 concluded that the North Atlantic right whale population trend was increasing, which is no longer the case, but any activities are still bound by this document which concludes that the power plant would not adversely affect the population. The NEIT was also interested in the results of the water characterization to determine what the level of risk is, when that is released publicly. The team agreed that it was necessary to stay apprised of the situation at Pilgrim and D. Borggaard is going to circle back with GARFO Section 7 staff to discuss the potential for further team discussions.

### **Post-NARWC Team Discussion**

M. Baumgartner led team discussion on the NARWC meeting held on October 25-26. He asked for team feedback on the meeting logistics. There were various discussions on meeting format. The team also discussed their in-person informational table. Originally, both an in-person and virtual session were planned, but the virtual session was canceled to focus on the in-person session. Members reported that there were not a lot of NEIT-focused discussions at the tabling session, and that other Consortium attendees may not have known what the NEIT was or who the members were. D. Borggaard mentioned that people were picking up flyers and that she did have some NEIT focused discussion with other attendees. D. Wiley suggested a short presentation prior to the tabling event at the next Consortium to give attendees an idea of what the team is and does, which other members agreed with as a good plan going forward. The team also discussed a more formal session where the team sits with name tags, or a session where team members are easily identifiable with t-shirts or badges.

Additionally, the team discussed other public involvement avenues with the aim of public transparency, similar to the NARWC tabling session. D. Borggaard reminded the team of the website as a resource for people that are interested in learning more about the NEIT, as well as the public email account where people can email the team with comments or information to the team. Some members suggested that the NEIT could ask the NARWC team to include information about the NEIT email account in the next NARWC newsletter to increase awareness.

Based on the 2021 NEIT next step to cross-compare NEIT priorities to new information presented at the NARWC, the team took a few minutes to consider the research presented at the NARWC and determine if there was anything that should be considered in the context of any modifications, etc. to NEIT priorities. The team did not find any applicable links at this time.

### **NEIT Draft Brainstorming Session: NARW Disease and Contaminant Testing**

Mendy Garron, the NMFS GARFO Marine Mammal Emergency Response Coordinator, joined the meeting to discuss disease and contaminant testing with the team after reading through their draft recommendations on right whale health in the July 2022 Key Outcomes Memorandum. M. Garron explained to the team that GARFO had been exploring similar testing options at the regional level and that she hoped her presentation would help to spark discussion among the team and potentially provide feedback or further refine previous recommendations. She talked to the team about various current initiatives at GARFO to further this topic and other external work that may be useful in the process of framing research questions (e.g., current GARFO prioritization protocols for sample collection during necropsy, potential external partners (including partners external to the right whale community) for working on sample testing, other large whale sample testing and research that could be applicable for right whales).

After the presentation, NEIT members provided M. Garron with feedback on various aspects, including other ideas for external partners, considerations for contaminant samples already collected and during collections going forward, and other work that is already being done that could feed into GARFO's work. The team also discussed the potential for contaminants interfering with right whale reproduction and the lack of recent data on the potential impacts. M. Garron mentioned that there is also concern for emerging contaminants that are not currently regulated, but no data to determine the potential impacts on animals. A member noted that any sample collection and testing would be costly, but that it should be prioritized for right whales. M. Garron thanked the team for their helpful feedback and D. Borggaard noted that she would get back to the team with any updates or additional questions from M. Garron, if needed.

### **NEIT Priorities List and Next Steps: Canadian Priorities Alignment Update**

R. Gillett walked the team through another iteration of the NEIT priorities spreadsheet that the team reviewed at the July 2022 team meeting. This draft included a more complete comparison to the 2021 Canadian NARW Action Plan recovery measures as the team begins to develop new priorities in 2023. R. Gillett noted that the Canadian Action Plan identifies NOAA as a partner for several specific recovery measures. After the presentation, D. Borggaard noted that the spreadsheet will be shared with the team in the future after it is further updated with more recent priorities and recommendations that have been developed in the last five years. At subsequent meetings the team will align thoughts on these comparisons to reevaluate priorities in 2023.

#### **D. Consensus Actions**

- None at this time.

#### **E. Consensus Recommendations**

- None at this time.

#### **V. Next Steps**

- Team members will consider possible team leaders and will nominate other members or volunteer for the role via email to D. Borggaard.
- D. Borggaard will send out reappointment letters to team members after they are finalized at GARFO and ahead of the first 2023 meeting.
- Team members will review the slides on regional aquaculture projects in the December 2022 meeting folder ahead of the next meeting.
- D. Borggaard will work with C. Good to get an update on the vessel speed rulemaking for the team at a meeting in 2023.
- Team members will review the Terms of Reference prior to the document being posted on the website in early 2023.
- D. Reeb will provide updates to the NEIT on OSW development in the Northeast U.S. (e.g., Gulf of Maine).
- D. Borggaard will work with the NMFS GARFO protected resources and OSW team to determine potential next steps for the NEIT in regards to providing recommendations to GARFO on OSW development.
- D. Borggaard will get back to the team with information to help inform future NEIT discussions related to the Pilgrim Nuclear Power Plant discharge issue.
- D. Reeb will send out a Doodle poll to determine when the Spring 2023 meeting can take place.
- D. Borggaard and the NMFS GARFO team will consider options for a spring meeting location, work on logistics, and provide information to the team as it becomes finalized.

- Team members will reach out to D. Borggaard with any ideas for potential meeting agenda items for the spring meeting.

## Appendix A. Meeting Agenda

### DAY 1

<b>Time</b>	<b>Topic</b>	<b>Lead(s)</b>	<b>Length</b>
1200	Welcome, Introduction and Getting Organized	Diane Borggaard, Desray Reeb	10 min
1210	NMFS Updates	NMFS	90 min
1340	BREAK	All	20 min
1400	GARFO/NEFSC Wind Team Discussion	Chris Orphanides	60 min
1500	BOEM OSW Update	Desray Reeb	55 min
1555	Daily Wrap Up	Diane Borggaard, Desray Reeb	5 min

### DAY 2

<b>Time</b>	<b>Topic</b>	<b>Lead(s)</b>	<b>Length</b>
1200	Welcome, Recap of Day 1, Overview of Day 2	Diane Borggaard, Desray Reeb	10 min
1210	Regional Wildlife Science Collaborative	Emily Shumchenia	30 min
1240	Project WOW	Doug Nowacek	30 min
1310	BOEM Marine Spatial Planning	Zach Jylkka	30 min
1340	BREAK	All	20 min
1400	NEIT Wind Discussion	All	100 min
1540	Daily Wrap Up	Diane Borggaard, Desray Reeb	20 min

### DAY 3

<b>Time</b>	<b>Topic</b>	<b>Lead(s)</b>	<b>Length</b>
1200	Welcome, Recap of Day 2, Overview of Day 3	Diane Borggaard, Desray Reeb	10 min
1210	NARWC Summary and Outreach Feedback	Mark Baumgartner	20 min
1230	NARWC-Highlighted Research Needs vs NEIT Priorities	All	40 min
1310	Right Whale Mortality Update	WAM	10 min
1320	NEIT Draft Recommendation Brainstorming Session: NARW Disease and Contaminant Testing	Mendy Garron	30 min
1350	BREAK	All	20 min
1410	NEIT Priorities List and Next Steps, Canada Priorities Alignment Update	Diane Borggaard, Roxanne Gillett	20 min

1430	Other Member Updates	All		30 min
1500	Next In-Person Meeting Planning		Diane Borggaard, Desray Reeb	30 min
1530	Other	All		30 min
1550	Summary of Discussion and Wrap Up		Diane Borggaard, Desray Reeb	20 min