Whale Update

Like you, MLA has been closely following the death of Right Whale 5120 found dead on Martha’s Vineyard on January 28th. The MLA was shocked and dismayed when NOAA Fisheries announced on February 14th that the rope removed from the deceased whale “is consistent with the rope used in Maine state water trap/pot buoy lines.”

Maine lobstermen have made many changes to how we fish to avoid harming a right whale which makes this news hard to believe. As we move forward, MLA will push back on NOAA's finding until the industry’s questions about the entanglement and how NOAA reached its conclusion are answered. We are sharing with you what we have learned so far.
Maine Department of Marine Resources says it viewed the gear removed from the whale on February 14th, before NOAA made its announcement. DMR’s team of experts included Commissioner Keliher, Colonel Alan Talbot, Captain Colin McDonald, and Boat Specialist Evan Whidden. These Marine Patrol officers regularly check a wide range of lobster gear fished by Maine lobstermen and are very familiar with how it is rigged to comply with whale regulations. The DMR team concluded that the gear found on the carcass is consistent with Maine lobster gear. However, the DMR disagreed with NOAA that the gear originated from state waters citing a lack of evidence to make a determination on where it was set because too much of the gear had been lost.

Read Statement Here
According to DMR, based on its review of the history of the entanglement, which is believed to have lasted approximately 18 months, and analysis of the gear removed from the whale, only one endline was involved in this entanglement. Many of us questioned whether the whale was first entangled in some other gear and then picked up Maine gear along the way. If there was only one endline observed in the entanglement, the prospect of a secondary entanglement would be ruled out.

A team of more than 20 biologists from more than 9 institutions performed a necropsy of the whale on February 1st. The preliminary results indicate the whale died of a chronic entanglement due to rope deeply embedded in the tail and thin body condition. There was no evidence of blunt force trauma from a ship strike. The official cause of death is pending until all test results are analyzed.

This case is still under investigation by NOAA's Office of Law Enforcement so MLA has had limited access to many of the details of this case.

While MLA cannot ignore the clear photographic evidence of the purple wire ties indicating Maine gear marking in the rope removed from the whale or the conclusion by Maine Marine Patrol’s experienced officers that the entangling gear is consistent with Maine lobster gear, MLA will conduct its own thorough, independent review of all evidence in this case as soon as it becomes available.

The MLA has already made a request to NOAA Fisheries to bring a team of lobstermen to view and analyze the gear. MLA will review all reports from this case including the necropsy, chain of custody documentation of the entangling rope from the time the whale was reported floating in the surf on Martha’s Vineyard until its examination by NOAA Fisheries, and all other evidence associated with this case. MLA will demand accountability for all discrepancies with the current findings. Maine DMR already disputes NOAA’s finding that the entangling gear originated from Maine state waters so we will demand that NOAA revisit this finding. We hope our investigation will shed some light on how this whale became entangled so we can work to ensure this does not happen again.
WHAT WE KNOW.

Here’s what we know about the gear removed from the whale

- Approximately 70 to 80 feet of rope and two purple zip ties were recovered. Only one purple zip tie was 12” long.
- Approximately 38 feet of 3/8” white line with a blue tracer which was either cut or parted off. This is the rope that was most deeply embedded in the whale’s tail.
- Approximately 20 feet of ½” blue line which was frayed at the bottom, connected to a knot transitioning into the 3/8” white line. There was a single purple zip tie on the blue ½” line where it transitioned to the 3/8” line.
- Approximately 4 feet of line spliced into a loop which had a 12” long purple zip tie.
- Photos of the entanglement also show some gear that was not recovered including two go deep buoys, and some orange rope that was part of the trailing line in the original sighting of the entanglement.
Here's what we know about the entanglement.

- May 2022. The whale was sighted in the Great South Channel as a healthy calf just over a year old. There were no signs of entanglement.
- Aug 20, 2022. The whale was sighted in the Gulf of St Lawrence off of Northern New Brunswick by Canada's Department of Fisheries and Oceans. The whale was entangled with line wrapped around its tail and fluke blade. Two buoys were present at the tail with approximately 200 feet of line trailing behind the whale at the surface. Based on this observation, "NOAA Fisheries biologists have made a preliminary determination that it has resulted in a "serious injury." This indicates the whale is likely to die from this injury. As the yearling grows, the entanglement is likely to cause increasing harm and eventual death as it constricts the tail and other areas of the whale's body." [Note: NOAA recategorized this serious injury to a mortality when the carcass was identified]
• Jan 18, 22 and 30, 2023. The whale was observed in Cape Cod Bay by the Center for Coastal Studies (CCS). Through these three sightings, the team observed at least four wraps of rope around the tail and one short bitter end of rope trailing just behind the buoys at the end of the tail. There was no long trailing line. The CCS disentanglement team attempted to disentangle the whale multiple times but were not successful due to unfavorable conditions including inclement weather and distance from shore and absence of trailing gear to attach a telemetry buoy to track the whale.
• Feb 9, 2023. The Northeast Fisheries Science Center observed the whale south of Nantucket Island. The entanglement was unchanged from the last sighting. The disentanglement team responded but was not able to find the whale.

• June 12, 2023. The Northeast Fisheries Science Center sighted the whale in the Gulf of St Lawrence off of Northern New Brunswick. The buoys appear to have been shed and no trailing line was seen. The overall condition of the whale appears to have declined and wound at the tail was more severe. Circumstances prevented a disentanglement response.

• Jan 28, 2023. The whale was found dead, washed up near Joseph Sylvia State Beach on Martha’s Vineyard. According to NOAA Fisheries, the Massachusetts Environmental Police collected the rope that was entangled around, and embedded in, the whale’s tail. The gear was turned over to NOAA’s Office of Law Enforcement for examination by gear experts.
January 31, 2024. According to NOAA Fisheries, the Stranding Network recovered the whale carcass and towed it to Wampanoag tribal land to allow for better access to heavy equipment and resources for necropsy.
February 1, 2024. A multi-organizational team of more than 20 biologists from nine institutions (Wampanoag Tribe of Gay Head/Aquinnah, Atlantic Marine Conservation Society, Whale Dolphin Conservation, New England Aquarium, Center for Coastal Studies, Marine Mammals of Maine, Virginia Aquarium and Canadian Wildlife Health Cooperative), led by large whale experts at International Fund for Animal Welfare, conducted the necropsy. Information gathered through the necropsy included measurements and photographs, along with biological samples collected to learn more about the whale’s physiology. It further documented the wounds and additional factors that may have contributed to the animal’s death.

February 14, 2024. Representatives from the states of Maine, Massachusetts and New Hampshire met with NOAA Fisheries at the Gloucester office to view the gear removed from the entangled right whale.
We will get through this!

The MLA believes in the lobster fishery and will continue to advocate for you. We will continue to let the public know how hard you have worked to protect whales and Maine’s fishing heritage. MLA remains committed and will continue to work tirelessly to find a solution to ensure a future for right whales and Maine’s lobster fishery. We will get through this!
List of statements on the death of RW 5120

NOAA webpage with Updates on RW mortalities

Commissioner Keliher Statement

Congressman Golden Statement

ENGO Statements

Defenders of Wildlife

Center for Biological Diversity

Conservation Law Foundation

New England Aquarium

Message from Sens Collins, King, Rep Pingree and Gov Mills

“We are saddened to hear about the death of a juvenile North Atlantic Right Whale (NARW) off the coast of Massachusetts. It is unfortunate to learn that NOAA has concluded that rope embedded in the whale was consistent with lines used by the Maine lobster fishery.

“We cannot, however, ignore the fact that entanglements in Maine fishing gear are rare – this is the first right whale entanglement with known Maine gear since 2004 and the first ever right whale mortality with known Maine gear. We also cannot ignore the fact that Maine’s lobstermen and women continue to demonstrate a strong commitment to maintaining and protecting a sustainable fishery in the Gulf of Maine. They have invested in countless precautionary measures to protect right whales, including removing more than 30,000 miles of line from the water and switching to weaker rope to prevent whales from being entangled. As of today the full results are still pending and we await additional information from NOAA.

“We all agree that we must protect the fragile right whale population, but we must do so without endangering human lives or livelihoods in our state. The fact
must do so without endangering human lives or livelihoods in our state. The fact remains that vessel strikes are also a significant source of mortality for right whales, and NOAA has failed to act to reduce that source of mortality. We also must continue to hold Canada accountable for the outsized role they contribute to NARW deaths. It is unacceptable that Maine lobstermen and women continue to be the primary target despite all of the actions they have taken.

“We will continue to stand behind the Maine lobster industry, a vital part of our state’s economy and heritage.”

Have more questions? Visit our website and submit your questions so we can share what we know or find you the answers you deserve.

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Examination Continues into Cause of Whale’s Death on Martha’s Vineyard

February 05, 2024

North Atlantic right whale on Martha’s Vineyard had a chronic entanglement and was seen in poor health before its death. Experts are examining the rope and other samples collected from the whale.
Update: Rope Removed from North Atlantic Right Whale #5120 Determined to be from Maine

Based upon our analysis of the gear, including the purple markings on the rope recovered from North Atlantic right whale #5120, NOAA Fisheries has concluded that the rope is consistent with the rope used in Maine state water trap/pot buoy lines. We have been in consultation with our New England state resource management partners, and they have viewed the gear.

As of today, the full necropsy results are still pending. The NOAA Office of Law Enforcement investigation...
On January 28, 2024, NOAA Fisheries was notified of a deceased female North Atlantic right whale near Joseph Sylvia State Beach on Martha's Vineyard, Massachusetts. We worked closely with the International Fund for Animal Welfare, Stranding Network partners, and local responders to recover the carcass and conduct a necropsy.

Preliminary observations indicated the presence of rope entangled near the whale’s tail. State law enforcement officials collected some of the rope and turned it over to NOAA's Office Law Enforcement. It is now being examined by gear experts.

Whale Identified as #5120

Last week, scientists at the New England Aquarium's Anderson Cabot Center for Ocean Life reviewed several images of the dead North Atlantic right whale. They matched it to whale #5120 in the right whale catalog based on clear matching features, such as callosity patterns and markings. This right whale, the only known calf of Squilla (#3720), was born during the 2021 calving season.
Necropsy Confirms Chronic Entanglement

A stranding response team completed the necropsy of North Atlantic right whale #5120 on February 1, 2024. From the necropsy, experts confirmed a chronic entanglement, with rope deeply embedded in the tail, and thin body condition. The necropsy showed no evidence of blunt force trauma. Cause of death is pending further histological and diagnostic testing of collected samples, which can take weeks to complete. We will share more information as it is available.

Large whale experts at the International Fund for Animal Welfare led the necropsy, with the assistance of more than 20 biologists from:

- Wampanoag Tribe of Gay Head (Aquinnah)
- Atlantic Marine Conservation Society
- Whale Dolphin Conservation
- New England Aquarium
- Center for Coastal Studies
- Marine Mammals of Maine
- Virginia Aquarium
- Canadian Wildlife Health Cooperative

Previous Entanglements

Aerial survey teams had previously seen right whale #5120 several times with entanglements, including August 2022 and January 2023.

Whale #5120 was last seen in June 2023 by Northeast Fisheries Science Center aerial observers, 60 miles northeast of Shippagan, New Brunswick. She was feeding with other whales. Her overall condition had declined and the wounds from the wraps of rope at the peduncle appeared to be more severe. No trailing line or buoys were seen.

Studies suggest that more than 85 percent of North Atlantic right whales have been...
entangled at least once. About 60 percent have been entangled multiple times. Entangling rope can cut into a whale’s body, cause serious injuries, and result in infections and mortality. Even if gear is shed or removed through disentanglement efforts, the time spent entangled can severely stress a whale, weaken it, and prevent it from feeding. It can sap the energy it needs to swim, feed, and reproduce.

Last updated by
Office of Communications
on February 14, 2024
Statement from Commissioner Keliher Regarding Recent Right Whale Mortality

February 14, 2024

Lobster Industry Members,

I have some difficult news to share. On January 28, 2024, a juvenile North Atlantic Right Whale was found dead on Martha’s Vineyard, Massachusetts. Unfortunately, preliminary observations by NOAA indicate the whale, identified as #5120 in NOAA’s right whale catalog, was entangled by rope that included purple marks which are consistent with the gear marking requirements for Maine lobstermen. I along with key policy, science, and enforcement staff went to Gloucester, MA to inspect the gear, review NOAA findings and question them regarding any discrepancies we saw. Unfortunately, the gear is consistent with Maine trap/pot gear.

This is very unfortunate – our goal is zero entanglements. Certainly, this is a rare event, in fact it is the first right whale entanglement with known Maine gear since 2004. It is also the first right whale mortality with known Maine gear that DMR is aware of since the establishment of the Take Reduction Plan.

Here’s what we know:

This whale, #5120, was last observed gear-free in the Great South Channel on May 1, 2022.

The whale was next observed entangled in August 2022 by Fisheries and Oceans Canada off the coast of New Brunswick, in the Gulf of St Lawrence.

Several sightings occurred in 2023, both in the US and Canada, where the whale was still entangled and seen in declining health.

A necropsy of this whale was completed on February 1, 2024, and preliminary results confirm chronic entanglement with rope embedded in the tail. There is no sign of blunt force trauma indicative of a ship strike.
No buoy was collected with the rope which could help identify the gear owner and potentially help determine a precise location of entanglement. While no green markings were found on the rope, **Maine DMR has not concluded if this gear is consistent with state or federal waters gear.** With only two purple marks retrieved and portions of the surface system missing, Maine DMR analysis of the recovered gear could indicate different gear configuration scenarios, some of which suggest state waters and others which suggest federal waters. We are continuing to investigate to see if we can better answer this question.

There is no doubt this is an unfortunate incident. Since 1997 the Maine lobster industry has shown its commitment to whale protection by engaging in the Atlantic Large Whale Take Reduction Team and providing NOAA with guidance in the development of measures to protect right whales. Further, the Maine lobster industry has invested millions of dollars to adopt gear marking, insert weak points, and meet trawling-up requirements.

This incident does highlight the importance of **DMR’s work to better understand right whale presence in the Gulf of Maine.** It also validates the need for **improved fisheries data** which will come from recently enacted requirements for state licensed and federally permitted lobster harvesters. DMR's highest priority remains the collection of robust data to better inform the characterization of risk in Maine’s waters. Maine’s comprehensive initiative to establish a passive acoustic network, conduct visual surveys, improve the collection of fisheries data, and invest millions of dollars in a Maine on-demand gear library which, through collaborations with partners, will be testing gear and educating coastal communities will be critical as we move forward.

Entangling a whale is not something any fishermen wants see or hear about. This news will undoubtably also brings with it a fear and anxiousness around what could come next from NOAA. It is important to point out that while terrible news, it doesn’t change the fact that Congress has stated in law that this fishery is in compliance with the Endangered Species Act and the Marine Mammal Protection Act until December 31, 2028.

Please know that DMR’s investigation into this event is ongoing. A final entanglement report from NOAA will take some time to prepare. As Maine DMR has more information, we will be sure to share it with industry.

**Patrick Keliher**  
Commissioner  
Maine Department of Marine Resources