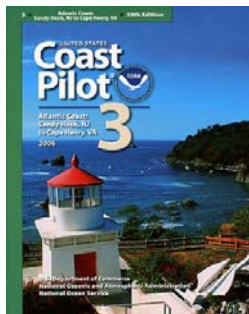


Extracts from the US Coast Pilot™ (March 2006)



These extracts are from CP 3, 2006, 39th Edition. Mariners should consult US Coast Guard Notices to Mariners for critical corrections (available at <http://nauticalcharts.noaa.gov/nsd/cpdownload.htm>). NOAA's National Marine Fisheries Service (NMFS) has annotated these extracts to provide amplifying information where appropriate; this information will appear in future editions of CP 3. Annotations are in {bracketed text}. While information provided by these extracts is intended to assist maritime managers and mariners, they should not be used as a substitute for official NOAA, US Coast Guard, National Geospatial-Intelligence Agency, or Canadian Coast Guard publications.

3

COAST PILOT 3

Chapter 2

Part 169—Ship Reporting Systems

Subpart A—General

§169.1 What is the purpose of this subpart?

(2797) This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

§169.5 What terms are defined?

- (2798) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.
- (2799) *Mandatory ship reporting system* means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8–1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.
- (2800) *Self-propelled ships* means ships propelled by mechanical means.
- (2801) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatory ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

§169.10 What geographic coordinates are used?

(2802) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

Subpart B—Establishment of Two Mandatory Ship Reporting Systems for the Protection of North Atlantic Right Whales

§169.100 What mandatory ship reporting systems are established by this subpart?

(2803) This subpart prescribes requirements for the establishment and maintenance of two mandatory ship reporting systems for the protection of the endangered northern right whale (also known as the North Atlantic right whale). These two systems are designated for certain areas of the East Coast of the United States. One system is located in the northeast and is identified as WHALESNORTH. The other system is located in the southeast and is identified as WHALESSOUTH.

(2804) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning North Atlantic right whale approach limitations and avoidance procedures.

§169.102 Who is the shore-based authority?

(2805) The U.S. Coast Guard is the shore-based authority for these mandatory ship reporting systems.

§169.105 Where is the northeastern reporting system located?

(2806) Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at 42°39'N, 70°37'W; then northeast to 42°45'N, 70°13'W; then southeast to 42°10'N, 68°31'W; then south to 41°00'N, 68°31'W; then west to 41°00'N, 69°17'W; then northwest to 42°05'N, 70°02'W; then west to 42°04'N, 70°10'W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42°39'N, 70°37'W.

§169.110 When is the northeastern reporting system in effect?

(2807) The mandatory ship reporting system in the northeastern United States operates year-round.

§169.115 Where is the southeastern reporting system located?

(2808) Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometers) along a 90-nautical mile (170-kilometer) stretch of the Atlantic seaboard in Florida and Georgia. The area coordinates (NAD 83) extends from the shoreline east to longitude 80°51.6'W with the southern and northern boundaries at latitude 30°00'N and 31°27'N., respectively.

§169.120 When is the southeastern reporting system in effect?

(2809) The mandatory ship reporting system in the southeastern United States operates during the period beginning on November 15 each year through April 16 of the following year.

§169.125 What classes of ships are required to make reports?

(2810) Each self-propelled ship of 300 gross tons or greater must participate in the reporting systems, except government ships exempted from reporting by regulation V/8–1(c) of SOLAS. However, exempt ships are encouraged to participate in the reporting systems.

Table 169.140—Requirements for ship reports

Telegraphy	Function	Information required
Name of system	System identifier	Ship reporting system WHALESNORTH or WHALESSOUTH
M	INMARSAT number	Vessel INMARSAT number

A	Ship	The name, call sign or ship station identity, IMO number, and flag of the vessel.
B	Date and time of event	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits).
E	True course	A 3-digit group.
F	Speed in knots and tenths of knots	A 3-digit group.
H	Date, time and point of entry into system	Entry time expressed as in (B) and entry position expressed as— (1) A 4-digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5-digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or (2) True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark).
I	Destination and expected time of arrival	Name of port and date time group expressed as in (B).
L	Route information	Intended track.

§169.130 When are ships required to make reports?

(2811) Participating ships must report to the shore-based authority upon entering the area covered by a reporting system. Additional reports are not necessary for movements made within a system or for ships exiting a system.

§169.135 How must the reports be made?

(2812) (a) A ship equipped with INMARSAT C must report in IMO standard format as provided in §169.140 in table 169.140.

(2813) (b) A ship not equipped with INMARSAT C must re-report to the Coast Guard using other means, listed below in order of precedence—

(2814) (1) Narrow band direct printing (SITOR).

(2815) (2) HF voice communication, or

(2816) (3) MF or VHF voice communications.

(2817) (c) SITOR or HF reports made directly to the Coast Guard's Communications Area Master Station Atlantic (CAMSLANT) in Chesapeake, VA, or MF or VHF reports made to Coast Guard activities or groups, should only be made by ships not equipped with INMARSAT C. Ships in this category must provide all the required information to the Coast Guard watchstander.

§169.140 What information must be included in the report?

(2818) Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed in this section in table 169.140. Current email addresses and telex numbers are published annually in the U.S. Coast Pilot.

TITLE 50—WILDLIFE AND FISHERIES

Part 222—General Endangered and Threatened Marine Species

Subpart A—Introduction and General Provisions

§222.101 Purpose and scope of regulations.

- (3192) (a) The regulations of parts 222, 223, and 224 of this chapter implement the Endangered Species Act (Act), and govern the taking, possession, transportation, sale, purchase, barter, exportation, importation of, and other requirements pertaining to wildlife and plants under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered pursuant to section 4(a) of the Act. These regulations are implemented by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. This part pertains to general provisions and definitions. Specifically, parts 223 and 224 pertain to provisions to threatened species and endangered species, respectively. Part 226 enumerates designated critical habitat for endangered and threatened species. Certain of the endangered and threatened marine species enumerated in §§ 224.102 and 223.102 are included in Appendix I or II to the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The importation, exportation, and re-exportation of such species are subject to additional regulations set forth at 50 CFR part 23, chapter I.
- (3193) (b) For rules and procedures relating to species determined to be threatened or endangered under the jurisdiction of the Secretary of the Interior, see 50 CFR parts 10 through 17. For rules and procedures relating to the general implementation of the Act jointly by the Departments of the Interior and Commerce and for certain species under the joint jurisdiction of both the Secretaries of the Interior and Commerce, see 50 CFR Chapter IV. Marine mammals listed as endangered or threatened and subject to these regulations may also be subject to additional requirements pursuant to the Marine Mammal Protection Act (for regulations implementing that act, see 50 CFR part 216).
- (3194) (c) No statute or regulation of any state shall be construed to relieve a person from the restrictions, conditions, and requirements contained in parts 222, 223, and 224 of this chapter. In addition, nothing in parts 222, 223, and 224 of this chapter, including any permit issued pursuant thereto, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any state or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or any other National Marine Fisheries Service enforced statutes or regulations.

Part 224—Endangered Marine and Anadromous Species

§224.103 Special prohibitions for endangered marine mammals.

- (3195) (c) *Approaching right whales.*
- (3196) (1) *Prohibitions.* Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:
- (3197) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;
- (3198) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.
- (3199) (2) *Right whale avoidance measures.* Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:
- (3200) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at slow safe speed.

- (3201) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.
- (3202) (3) *Exceptions*. The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:
- (3203) (i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.
- (3204) (ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.
- (3205) (iii) Paragraphs (c)(1) and (c)(2) of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.
- (3206) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.
- (3207) (v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

Part 226—Designated Critical Habitat

§226.101 Purpose and scope.

- (3208) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter, if threatened and at Sec. 224.101 of this chapter, if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title, and for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Maps and charts identifying designated critical habitat that are not provided in this section may be obtained upon request to the Office of Protected Resources (see §222.102, definition of “Office of Protected Resources”).

§226.203 Critical Habitat for Northern right whales

- (3209) Northern Right Whale (*Eubalaena glacialis*)
- (3210) (a) *Great South Channel*. The area bounded by
 - (3211) 41°40'N., 69°45'W.;
 - (3212) 41°00'N., 69°05'W.;
 - (3213) 41°38'N., 68°13'W.; and
 - (3214) 42°10'N., 68°31'W.
- (3215) (b) *Cape Cod Bay*, Massachusetts. The area bounded by
 - (3216) 42°04.8'N., 70°10'W.;
 - (3217) 42°12'N., 70°15'W.;
 - (3218) 42°12'N., 70°30'W.;
 - (3219) 41°46.8'N., 70°30'W. and on the south and east by the interior shore line of Cape Cod, Massachusetts.
- (3220) (c) *Southeastern United States*. The Coastal waters between 31°15'N., and 30°15'N. from the coast out 15 nautical miles; and the coastal waters between 30°15'N. and 28°00'N. from the coast out 5 nautical miles.

Chapter 3

North Atlantic Right Whales

- (20) **North Atlantic right whales** are one of the world's most endangered large whale species. Because right whales mate, rest, feed, and nurse their young at the surface, and may not move out of a ship's way, they are highly vulnerable to being struck by ships. Ship strikes are one of the leading known sources of human-related mortality to right whales. Mariners are requested to use caution to avoid colliding with right whales. Right whales migrate annually along the east coast between the northern feeding grounds off New England and Canada and the southern calving grounds off Florida, Georgia, and South Carolina. Right whales are frequently sighted within 30 miles of the Atlantic coast between Cape Cod and South Carolina from February through April (northern migration) and from September through December (southern migration). Calves returning north with their mothers appear to be particularly susceptible to collision with ships.
- (21) **Seasonal occurrence of North Atlantic right whales:** In seasons and in areas where right whales may occur, vessel operators should maintain a sharp lookout for right whales. Right whales occur seasonally throughout their range from Canada to Florida. The peak occurrence of right whales in the mid-Atlantic is generally from November through April as they migrate between the winter calving areas off the southeastern United States and the northern feeding grounds off New England and Canada. Migrating whales are commonly within 30 nautical miles of shore.
- (22) **Description of North Atlantic right whale:** The species reaches lengths of 45 to 60 feet and is black in color. The best field identification marks are a broad back with no dorsal fin, irregular bumpy white patches (callosities) on the head, and a distinctive two-column V-shaped blow when viewed from directly behind or in front of the whale. They have broad, paddle-shaped flippers and a broad, deeply notched tail. See the following diagrams.



© Center for Coastal Studies

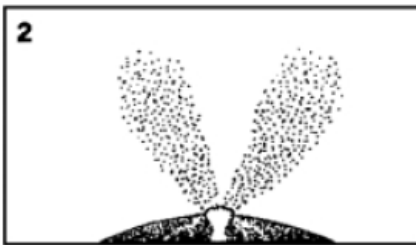
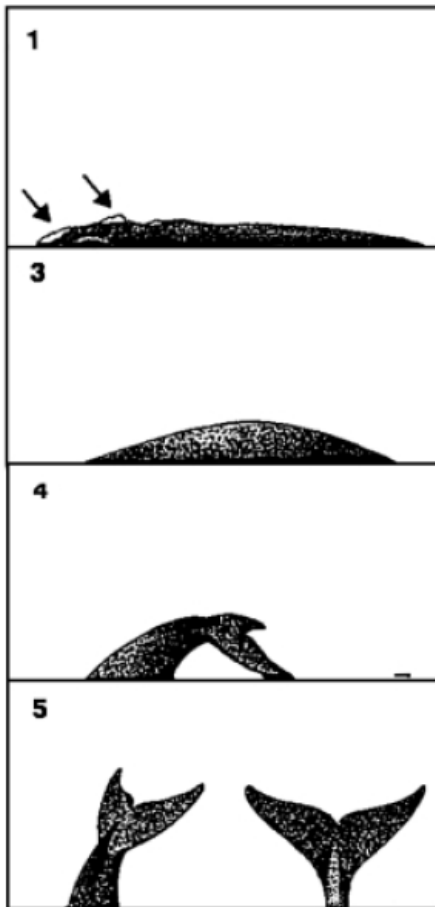
The right whales' unique, paddle-shaped flippers



© Center for Coastal Studies

Note the right whales' deeply notched fluke

North Atlantic right whale



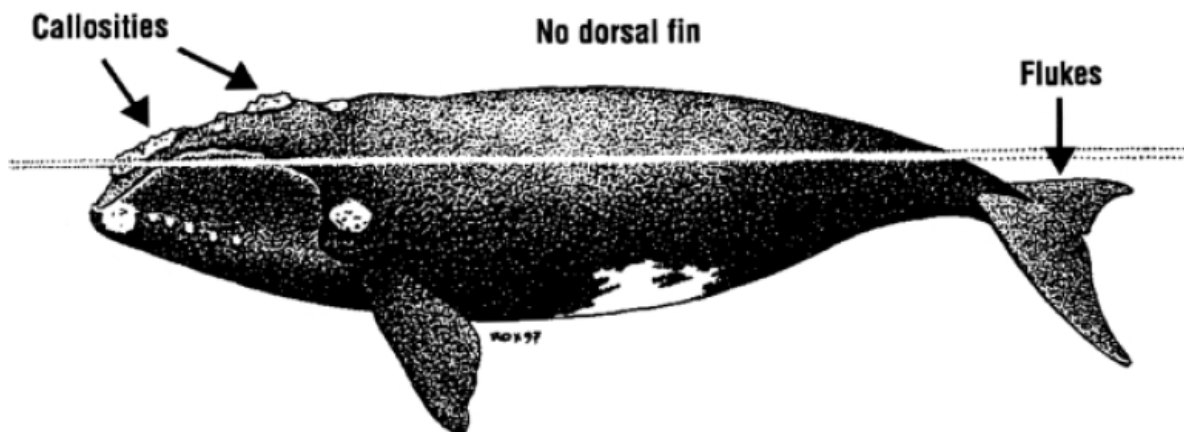
1) Whitish patches of raised and roughened skin (called callosities) on top of the head (see arrows)

2) V-shaped blow easily visible from in front or behind the whale

3) No dorsal fin on the back

4) Tail flukes often lifted vertically when the animal dives

5) All black tail on the top and underside



- (23) **Early Warning System (EWS) and Sighting Advisory System (SAS):** As weather and conditions permit, dedicated seasonal programs of right whale aerial surveys in the northeast and southeast US provide right whale sighting information to the Coast Guard and other sources for broadcast to mariners through various avenues. Few dedicated aerial surveys occur off the coast from Sandy Hook, New Jersey to Cape Henry, Virginia. As a result, many right whales in the mid-Atlantic area go undetected. However, limited sighting reports in the mid-Atlantic region are distributed through the EWS and SAS.
- (24) *Precautions:* NOAA recommends the following precautionary measures be taken to avoid North Atlantic right whales.
- (25) As soon as possible prior to entering areas in which right whales may occur, check Coast Guard Broadcast Notice to Mariners, NAVTEX, NOAA Weather Radio, Mandatory Ship Reporting System, and other sources for recent right whale sighting reports. To the extent possible, review right whale identification materials and maintain a sharp watch with lookouts familiar with spotting whales. Local ships' pilots may also provide additional whale information.
- (26) When planning passage within 20 nautical miles of a recently reported right whale sighting location, NOAA recommends the following:
- Reduce speeds below 12 knots when consistent with safety of navigation
 - Attempt to avoid night-time transits
 - Minimize travel distances through the area whenever possible
 - Anticipate delays due to whale sightings
 - Post a lookout familiar with spotting whales
- (27) If a right whale is spotted from the ship, mariners should exercise caution and proceed at speeds below 12 knots if the safety of navigation permits, bearing in mind that reduced speed will minimize the risk of ship strikes. Right whales have been struck and killed by vessels traveling at 15 knots and faster.
- (28) Local ships' pilots may also provide additional information on the location of right whales and local safe vessel operating procedures.
- (29) Do not assume right whales will move out of your way. Right whales, generally slow moving, seldom travel faster than 5-6 knots. Consistent with safe navigation, maneuver around observed right whales or recently reported sighting locations. It is illegal to approach closer than 500 yards of any right whale (See **50 CFR 224.103**, Chapter 2).
- (30) If any whale is accidentally struck, or if any dead or entangled whale is observed, it should be reported immediately to the Coast Guard noting the precise location and time of the accident or sighting. **In the event of a strike or sighting, the following information should be provided to the Coast Guard:**
- (31) location and time of the accident or sighting,
- (32) speed of the vessel,
- (33) size of the vessel,
- (34) water depth,
- (35) wind speed and direction,
- (36) description of the impact,
- (37) fate of the animal, and
- (38) species and size, if known.
- (39) Right whales can occur anywhere along the east coast. Therefore, mariners are urged to exercise prudent seamanship in their efforts to avoid right whales.

Mandatory Ship Reporting Systems (WHALESNORTH and WHALESSOUTH)

- (40) Mandatory Ship Reporting (MSR) systems require all vessels, 300 gross tons or greater, to report to the U.S. Coast Guard prior to entering two designated reporting areas off the east coast of the United States. (See **33 CFR 169**, chapter 2, page for limits and regulations.) Sovereign immune vessels are exempt from the requirement to report, but are encouraged to participate.
- (41) The two reporting systems will operate independently of each other. The system in the northeastern United States will operate year round and the system in the southeastern United States will operate each year from November 15 through April 15. Reporting ships are only required to make reports when entering a reporting area during a single voyage (that is, a voyage in which a ship is in the area). Ships are not required to report when leaving a port in the reporting area nor when exiting the

system.

- (42) Mariners should check all MSR messages carefully before transmitting to ensure the message includes the correct address and correct format. Additional greeting or comments in the message will preclude message receipt by the MSR system. Failure to receive a timely return message from the MSR system that provides locations of recent right whale sightings and precautionary guidance should be reported to the local Marine Safety Office of the US Coast Guard.

{Northeastern reporting system}

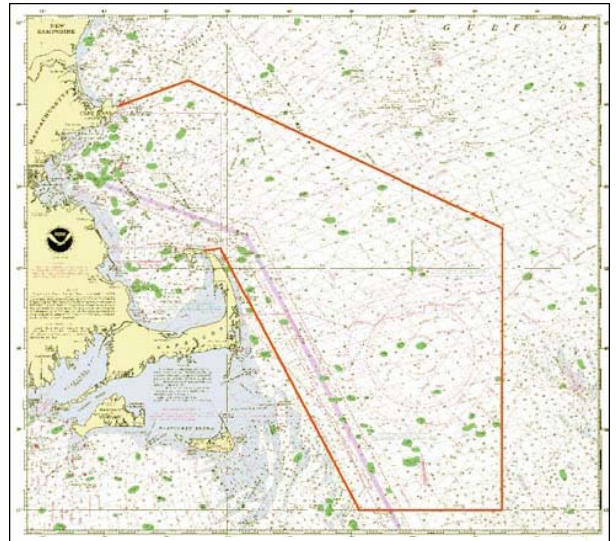
Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at 42°39'N., 70°37'W.; then northeast to 42°45'N., 70°13'W.; then southeast to 42°10'N., 68°31'W.; then south to 41°00'N., 68°31'W.; then west to 41°00'N., 69°17'W.; then northwest to 42°05'N., 70°02'W.; then west to 42°04'N., 70°10'W.; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42°39'N., 70°37'W.

{Southeastern reporting system}

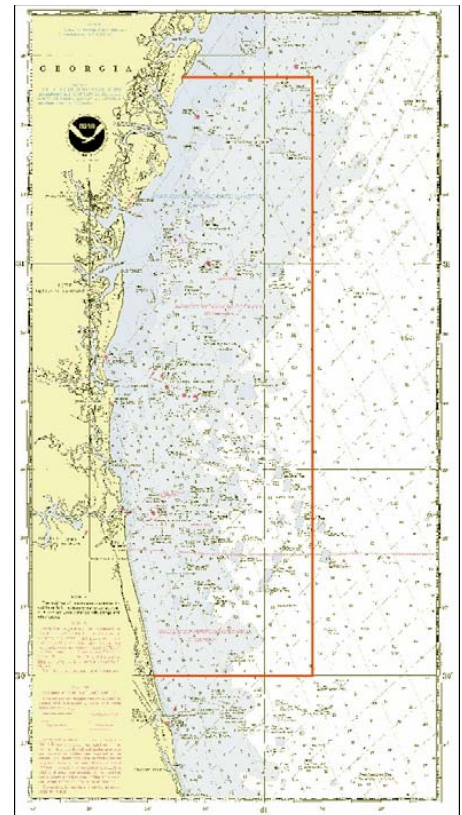
Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometers) along a 90-nautical mile (170-kilometer) stretch of the Atlantic seaboard in Florida and Georgia. The area coordinates (NAD 83) extends from the shoreline east to longitude 80°51.6'W. with the southern and northern boundaries at latitude 30°00'N. and 31°27'N., respectively.

Reports

- (44) Vessels shall make reports in accordance with the format in IMO Resolution A.858 (20) in accordance with the International Convention for the Safety of Life at Sea 1974 (SOLAS 74). (See **33 CFR 169.135 and 169.140**, chapter 2, for additional information.) Vessels should report via INMARSAT C or via alternate satellite communications to one of the following addresses:
- (45) Email: RightWhale.MSR@noaa.gov or Telex: 236737831
- (46) Vessels not equipped with INMARSAT C or Telex should submit reports to the U.S. Coast Guard's Communication Area Master Station Atlantic (CAMSLANT) via narrow band direct printing (SITOR) or HF voice. Vessels equipped only with VHF-FM voice communications should submit reports to the nearest U.S. Coast Guard activity or group.
- (47) **Example Reports:**
- (48) **WHALESNORTH**-To: RightWhale.MSR@noaa.gov
- (49) WHALESNORTH//
- (50) M/487654321//
- (51) A/CALYPSO/NRUS//
- (52) B/031401Z APR//
- (53) E/345//
- (54) F/15.5//



WHALESNORTH



WHALESSOUTH

(55) H/031410Z APR/4104N/06918W//
 (56) I/BOSTON/032345Z APR//
 (57) L/WP/4104N/06918W/15.5//
 (58) L/WP/4210N/06952W/15.5//
 (59) L/WP/4230N/07006W/15.5//
 (60) **WHALESSOUTH**-To: RightWhale.MSR@noaa.gov
 (61) WHALESSOUTH//
 (62) M/412345678//
 (63) A/BEAGLE/NVES//
 (64) B/270810Z MAR//
 (65) E/250//
 (66) F/17.0//
 (67) H/270810Z MAR/3030N/08052W//
 (68) I/MAYPORT/271215Z MAR//
 (69) L/RL/17.0//

Chapter 4 – Charts 12326, 12323, 12318, 12304, 12214

North Atlantic Right Whales

(7) Endangered North Atlantic right whales may occur within 30 nautical miles of the New Jersey coast (peak season: November through April, although right whales have been sighted in the area year-round). (See North Atlantic Right Whales, indexed as such in Chapter 3, for more information on right whales and recommended measures to avoid collisions with whales.)

Chapter 6

North Atlantic Right Whales

(57) Endangered North Atlantic right whales may occur within 30 nautical miles of the Delaware coast in the approaches to Delaware Bay and ports of Philadelphia (peak season: November through April, although right whales have been sighted in the area year-round). (See North Atlantic Right Whales, indexed as such in Chapter 3, for more information on right whales and recommended measures to avoid collisions with whales.)

Chapter 8

North Atlantic Right Whales

(3): Endangered North Atlantic right whales may occur within 30 nautical miles of the Delaware, Maryland, and Virginia coasts (peak season: October through November; February through May). (See North Atlantic Right Whales, indexed as such in Chapter 3, for more information on right whales and recommended measures to avoid collisions with whales.)

Charts 12210, 12211, 12214, 12221

North Atlantic Right Whales

(19): Endangered North Atlantic right whales may occur within 30 nautical miles of the Delaware, Maryland, and Virginia coasts (peak season: October through November; February through May). (See North Atlantic Right Whales, indexed as such in Chapter 3, for more information on right whales and recommended measures to avoid collisions with whales.)

Chapter 9 – Chart 12221

North Atlantic Right Whales

(11): Endangered North Atlantic right whales may occur within 30 nautical miles of the Virginia coast in the approaches to the Chesapeake Bay (peak season: October through November; February through May). (See North Atlantic Right Whales, indexed as such in Chapter 3, for more information on right whales and recommended measures to avoid collisions with whales.)