



294 Washington St., Ste. 500
Boston, MA 02108
(202) 683-1250 | www.EnvironmentAmericaCenter.org
Center@EnvironmentAmerica.org

Colleen Coogan, Marine Mammal & Sea Turtle Branch Chief
Greater Atlantic Fisheries Office
55 Great Republic Drive
NOAA Fisheries Service
Gloucester, MA 01930

RE: Docket No. 201221-0351

Dear Ms. Coogan,

Environment America Research & Policy Center is a nationwide network of state-based nonprofits dedicated to protecting our air, water, and open spaces. We investigate problems, craft solutions, educate the public and decision makers, and help citizens make their voices heard in local, state, and national debates. On behalf of Environment America and our membership, we write today to you with concern that the proposed amendments to the Atlantic Large Whale Take Reduction Plan will not do enough to protect our critically endangered North Atlantic right whales from fishing gear entanglements, which rank as one of their top threats.

Our North Atlantic right whales are part of our country's rich natural legacy: forests where deer, fox, and bear hunt and burrow, plains where buffalo and horses roam, and oceans where dolphins, sea turtles, and whales swim. In sum, right whales, which swim just off our Atlantic coastline, are ours to protect. Their habitat range extends from the southern tip of Florida up through the Gulf of St. Lawrence, and they frequent the waters of the Gulf of Maine and Cape Cod Bay.

Each winter, a handful of expectant mothers travel further south, to calving grounds off South Carolina, Georgia, and Florida. Their migration has inspired the yearly Right Whale Festival in Jacksonville Beach, Florida, and calf births are celebrated in newspapers up and down the east coast. Named the "state marine mammal" of Georgia, the species has earned a place in our hearts and our culture.

In recognition of this cultural connection between nature and humanity, and as a codification of our societal value of a healthy and beautiful natural world, the United States possesses some of the strongest environmental protection legal frameworks in the world. Through legislation like the National Environmental Policy Act, the Marine Mammal Protection Act, and the Endangered Species Act, we have created a framework to ensure that future generations are able to both enjoy the splendor our wildlife and wild places offer and benefit from the clean air, clean water, and access to open spaces that a healthy environment offers.

Forging such a future starts with standing up for our most at-risk species, like our North Atlantic right whales. In this spirit, I write with grave concern that the proposed amendments to the Atlantic Large Whale Take Reduction fail to uphold our tradition of environmental protection, as the proposal does not do enough to protect the species from fishing gear entanglements.

Firstly, the proposal is based on outdated data. NOAA Fisheries stated that proposed measures need reduce whale entanglement by 60% to bring *known* whale deaths below the Potential Biological Removal (PBR) level of 0.9 whales, and propose measures need to reduce entanglement by 80% to bring *known* and *unknown* whale deaths below the PBR level of 0.9 whales. These [calculations are based](#) (2-37) on the potential biological removal level as calculated in the 2018 North Atlantic Right Whale Stock Assessment, which is now outdated. The 2018 North Atlantic Right Whale Stock Assessment calculated the potential biological removal level from the 2016 minimum population estimate, which put the population at 445



294 Washington St., Ste. 500
Boston, MA 02108
(202) 683-1250 | www.EnvironmentAmericaCenter.org
Center@EnvironmentAmerica.org

whales -- nearly 25% higher than today's population of around 360. Consequently, the PBR level calculated is too high; further risk reduction is necessary to meet the updated population count.

Moreover, recent research suggests that the actual number of right whale deaths per year is larger than expected. Scientists at the New England Aquarium, earlier this month, published a [study](#) that known deaths of North Atlantic right whales represent just a fraction of true right whale mortalities. Given the updated population count of 366 right whales, which the rule fails to include in its calculation of necessary risk reduction, and the scientific research pointing towards higher-than-documented levels of whale mortality, it is clear that more risk reduction is needed than the 60% that the rule achieves.

In particular, the proposed closures to vertical buoy lines in both the "Preferred Alternative" and "Non-Preferred Alternative Scenario B" are too small, and too short in duration to adequately protect the species. The closure south of Nantucket and Martha's Vineyard, in non-preferred alternative (3a), may be an appropriate size. But instead of a seasonal closure from February to April, it should be a year-round closure to vertical line fishing; right whales have been seen [almost every month](#) of the year here for the last several years. Additionally, weak rope -- another major tool used in the rule -- is [not a proven, effective solution to preventing fatal or seriously-damaging entanglement events](#).

Instead of finalizing any of the alternatives proposed within this rule, we recommend the following solution: that the agency utilize Emergency Action, as petitioned twice in the last few months (once by Conservation Law Foundation et. al and once by the Pew Charitable Organization) to create habitat closures to vertical fishing line, until a better package of rules is developed, using updated and best available science. Such a package would likely include permanent year-round closures of certain areas to fishing. We also envision that such a package would include a concrete pathway to eventually transition to a primarily ropeless fishery.

In the coming years, we need to restructure the way that we interact with the natural world. We need to restore our relationship with nature so future generations can experience the beauty of our mountain ranges, the solace of time spent at the beach, and the wonder of a walk through the woods. This work starts with prioritizing our most at-risk species, like North Atlantic right whales. We can't afford to lose this species on our watch -- and time is running out.

Best,

Steve Blackledge
Conservation America Program Director
Environment America
Environment America Research & Policy Center

Ben Hellerstein
State Director
Environment Massachusetts
Environment Massachusetts Research & Policy Center

Anya Fetcher
State Director
Environment Maine
Environment Maine Research & Policy Center



294 Washington St., Ste. 500
Boston, MA 02108
(202) 683-1250

www.EnvironmentAmericaCenter.org
Center@EnvironmentAmerica.org

Michaela Morris
Oceans Associate
Environment America
Environment America Research & Policy Center