



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

October 26, 2022

Janet Coit, J.D.
Assistant Administrator
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

Dear Administrator Coit:

Thank you for the opportunity to comment on the proposed rule to amend the North Atlantic Right Whale Vessel Strike Reduction Rule. The Mid-Atlantic Fishery Management Council (Council) recognizes the importance of taking action to reduce the mortality of the endangered North Atlantic Right Whale. However, based on discussions at our recent Protected Resources Committee (Committee) and Council meetings, the Council has several comments related to this proposed rule. These meetings have had high stakeholder and Council member participation and we believe that addressing the comments listed below will improve the effectiveness of the rule.

First, consideration should be given to the proposed timing and area of the speed zones given the scale of the potential impacts to recreational fisheries. One example would be to evaluate the increase in risk by removing the month of May or 1-2 weeks in May from the speed zones for states along the coast that may have less whales present during that time. May and Memorial Day Weekend are important to recreational fishing businesses and anglers and there is a need to balance the risk with fishing opportunity. Another adjustment to consider would be to add a 1–2-mile nearshore corridor from the beach as an exemption to the 10-knot speed limit given that there may be less whales in that space and time.

Second, consideration should be given to the enforceability of this rule in state and federal waters. The current rule is primarily enforced through Automatic Identification System (AIS) on vessels; however, AIS is less common and not required on vessels in the 35–65-foot length category. The enforcement burden is a concern given the limited resources available to the Coast Guard and other enforcement agencies and the volume of the recreational and charter fleets, especially in May.

Third, there should be clearly defined speed zone exceptions for safety under a variety of emergency situations. Because this rule addresses smaller vessels, operators may need to use their speed to outrun thunderstorms and other weather events. The proposed rule currently addresses gale warnings, but this may not be sufficient.

Finally, the Council urges NOAA Fisheries to consider the stakeholder comments submitted during this comment period by recreational angler organizations proposing alternative solutions to conserve whales and provide angling opportunities. This is particularly important given that there was no stakeholder engagement throughout the development of this proposed rule.

Thank you for your consideration of these comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a stylized "Moore".

Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

CC: M. Luisi, W. Townsend, S. Rauch III, C. Good, K. Cisneros