Summary Table of Public Comments Collected during the Scoping Period of Phase 2 of the Atlantic Large Whale Take Reduction Plan

In August of 2021, NOAA announced its intentions to begin a rulemaking process that will amend the Atlantic Large Whale Take Reduction Plan (the Plan) to reduce the risk of mortalities and serious injuries of North Atlantic right whales (Eubalaena glacialis) and other large whales caused by entanglement in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. An Environmental Impact Statement (EIS) will be prepared in accordance with the National Environmental Policy Act (NEPA) to analyze the impacts to the environment of alternatives to amend the Plan.

Throughout the scoping process, Federal agencies, state, tribal, local governments, and the general public had the opportunity to help NMFS determine reasonable alternatives and potential measures to be analyzed in the EIS, as well as to provide additional information. The public scoping period extended from August 21, 2021 to October 21, 2021. Public comments were collected via email, public comment meetings hosted through webinars, and public call-in days via telephone. The table provided is the summary of public comments collected during the scoping period of Phase 2 of the Plan.

Topic Area	Sub Category	Specific Comment Component
Atlantic Large Whales	Distribution	Include Humpback and Fin whales, in addition to North Atlantic Right whales, in analysis.
North Atlantic Right Whales	General Protections	Protect the endangered North Atlantic Right Whales with the utmost sense of urgency.
North Atlantic Right Whales	General Protections	Endangered North Atlantic right whales are at risk of extinction.
North Atlantic Right Whales	General Protections	Stop catering to the demands of fishermen and help endangered North Atlantic right whales.
North Atlantic Right Whales	General Protections	Protect whales from accidental entanglement.
North Atlantic Right Whales	General Protections	Curb the use of fishing gear that entangles right whales.
North Atlantic Right Whales	General Protections	Create win-win resolution.
North Atlantic Right Whales	General Protections	Create consistent temporal and spatial requirements for management measures reducing impact from vessel strikes, offshore energy, and entanglement.
North Atlantic Right Whales	General Protections	Entire NARW habitat needs to be protected.
North Atlantic Right Whales	Distribution	In my 50 years of fishing off Palm Beach County, Florida, I have never once seen a whale
North Atlantic Right Whales	Distribution	I live on Amelia Island, center of the calving grounds for the North Atlantic Right Whale. I see mothers and their newborns calves a few hundred yards off the beach.
North Atlantic Right Whales	Population Data	Population is declining rapidly.
North Atlantic Right Whales	Population Data	Mortality surpasses PBR.
North Atlantic Right Whales	Tagging	Implement near real-time monitoring, e.g. tagging whales or buoy lines.
North Atlantic Right Whales	Marine Mammal Deterrents	Develop acoustic deterrents/pingers that are specific to large whales.
North Atlantic Right Whales	Research	Right whale distribution shifts may result in changes in the south and along migration routes; staggered arrival and departure periods.
North Atlantic Right Whales	Research	Expand right whale surveillance efforts on multiple platforms, including a near real-time monitoring and mitigation system.
North Atlantic Right Whales	Research	Understand climate change impacts on C. fin and the implications for right whale distribution Increase understanding of distribution habitat use.

Topic Area	Sub Category	Specific Comment Component
North Atlantic Right Whales	Research	Undertake a robust data collection and monitoring scheme. Identify current or likely future high co-occurrence areas through such data collection that accounts for major climate change-driven shifts in distribution and seasonal migrations to ensure that the spatial extent and seasonal timing.
Decision Support Tool	Fishing Data	Thorough modeling of fishing effort in the DST to account for differences in soak times, missing fishery data, and inconsistencies in data collection and format across jurisdictions.
Decision Support Tool	Fishing Data	Focus on data collection on the effort, gear types, seasonality, and relative risk to right whales of fixed gear Phase 2 fisheries in Mid- and South Atlantic.
Decision Support Tool	Whale Data	Update the DST to include data from acoustic detections and opportunistic sightings, recent aerial and vessel-based surveys undertaken in the Mid-Atlantic and the Southeast, up to 2021.
Decision Support Tool	Whale Data	Update the risk reduction tool with Calanus finmarchicus distribution.
Decision Support Tool	Co-Occurrence	Chart of regional jurisdictions helpful to understand how Northeast gillnet fisheries operate in terms of anchored, soak times; please work into overlap and hotspot analysis.
Decision Support Tool	Co-Occurrence	Vertical lines should not be permitted in areas identified as high risk in Phase 1 or prior amendments to the ALWTRP
Decision Support Tool	Co-Occurrence	Focus on past and present areas of high co-occurrence of right whales and dense vertical lines and areas of consistent whale aggregations, as primary drivers for reducing risk.
Decision Support Tool	Co-Occurrence	Calculate risk assessment attributed to individual gillnet panels.
Decision Support Tool	Co-Occurrence	Account for the risk of increased concentrations of fishing gear immediately outside of the restricted areas.
Decision Support Tool	Risk Calculations	Calculate cumulative risk across gillnet and other trap/pot fisheries along the entire Atlantic seaboard.
Decision Support Tool	Risk Calculations	Disclose how risk reduction calculations are generated by the DST and subject the tool to the Public Comment process required by NEPA.
Take Reduction Team	Take Reduction Team	The fishing industry representatives currently on the TRT cannot accurately provide operational information for those fleets or represent the interests of those fishing communities included in Phase 2. Focus phase 2 on Mid-Atlantic fisheries for which there are sufficient fishing effort data to point toward co-occurrence and potential risk of entanglement and limit actions on other fisheries to weak rope/weak link requirements.
Take Reduction Team	Take Reduction Team	Time has been lost because the decision process for how to reduce risk was left up to each state and delayed because of the pushback from Maine regulators. Critical time has been lost and as a result, we believe that more substantial and broad measures must be taken immediately.
Risk Reduction	Mortality Apportionment	Use best available science (e.g. PBR is now 0.7).

Topic Area	Sub Category	Specific Comment Component
Risk Reduction	Mortality Apportionment	Entanglement in fishing gear is the leading threat to right whales, with nearly 60 percent of determined causes of death between 2003 and 2019 from entanglement.
Risk Reduction	Country Apportionment	Country apportionment: Reconsider country apportionment based on ASRG recommendations.
Risk Reduction	Country Apportionment	Consider that entanglements in the United States comprise only 11.7 % of mortalities. I hope the 88.3 % other causes of mortality are also receiving their fair share of scrutiny. Sink gillnets do not kill whales - vessel strikes and buoy lines do.
Risk Reduction	Target	Minimum 80% risk reduction is warranted.
Risk Reduction	Target	Reduce below PBR immediately, should now aim for the zero mortality goal.
Risk Reduction	Target	Apply risk reduction across all fisheries rather than by fishery/region. Consider the alignment and overlap of measures across multiple gillnet and other trap/pot fisheries.
Risk Reduction	Target	PBR is expected to be 0.7 and risk reduction targets must be adjusted closer to or exceed 90 percent. Phase 1 of the rule does not adequately meet a sufficient risk reduction target, never mind Phase 2.
Risk Reduction	Target	Alternatives must comply with the requirements of the MMPA to reduce takes of NARWs below PBR immediately with corresponding measures to monitor takes and trigger further management action.
Risk Reduction	Target	To bring M/SI in all U.S. fisheries below sustainable levels and below an accurately apportioned PBR, Phase 2 Rulemaking must reduce entanglement across all U.S. fisheries by 95 percent to bring M/SI in all U.S. fisheries below 0.136.
Risk Reduction	Target	Give greater attention to the relative risks to calves and juveniles from both trawling up and weak rope requirements. Ensure risk reduction target can be met for all age classes.
Risk Reduction	Credit	In Phase 1 FEIS NFFMS credits the Massachusetts Restricted Area (“MRA”) closure in risk reduction calculations. MRA has been in place since 2015 and associated risk reduction has already been happening for six years prior to the Phase 1 Final Rule. Phase 1 measures provide only 54% risk reduction.
Exemptions	Exemptions	Maine exempt waters should remain exempt due to low right whale detection rate (<1% of days in 2020 where 8 passive acoustic recorders were set).
Exemptions	Exemptions	Connecticut waters are not conducive as a large habitat of whales as other neighboring States. Long Island Sound waters should be held to less restrictive requirements than what is being discussed for future implementation.
Enforcement	Regulation Compliance	ALWTRP regulations are confusing and burdensome.

Topic Area	Sub Category	Specific Comment Component
Enforcement	Regulation Compliance	Clarify regulations to increase compliance; work with fishery.
Enforcement	Regulation Compliance	Increase coordination with fisheries in Mid-Atlantic through a liaison.
Enforcement	General	Enforce seasonal fishing closures.
Enforcement	General	Improve enforcement of weak rope, sinking groundline, and gear marking.
Enforcement	General	Gear marking requirements need to be enforceable.
Enforcement	Ropeless Gear	Work in coordination with the Regional Fisheries Management Councils to support wider use of new gears.
Enforcement	Ropeless Gear	Develop an enforcement strategy to mitigate the conflict between fixed and mobile gear fleets as ropeless gear is developed.
Enforcement	Vessel Monitoring	Require vessel trackers on all state and federally permitted lobster boats. Require 100 percent harvester reporting on all fisheries using vertical line (including fine spatial reporting and lost gear reporting)
Enforcement	Vessel Monitoring	Consider requirements for spatial monitoring, effort monitoring and associated catch, bycatch and entanglement monitoring.
Enforcement	Vessel Monitoring	Evaluate at-sea monitoring coverage rates up to and including 100 percent coverage and alternatives to use both human and electronic catch monitoring tools.
Enforcement	Vessel Monitoring	Require all gillnet to be tended when an observer is onboard to allow accounting of gear, catch, and entanglements
Enforcement	Vessel Monitoring	Integrate management discussions between all fishery managers including the Atlantic States Marine Fisheries Council, New England Fisheries Council, and state and Federal agencies to develop a coherent strategy for addressing the entanglement threat
Enforcement	Vessel Monitoring	Require that all vessel trip reports include information on the gear used, depth, trip length, length of time traps soaked, and landings data, and location of fishing effort be reported on the finest scale possible. NMFS should require 100 percent gear marking, 100 percent electronic reporting, and 100 percent electronic vessel monitoring in all federal waters and for all federal permit holders in trap/pot and gillnet fisheries.
Socio-Economic	Decision-making	Engage more fishing communities into decision-making.
Socio-Economic	Economics	Consider that effort in groundfish gillnet fishery [in Northeast] has greatly reduced, resulting in consolidated businesses. There is a high level of monitoring in groundfish at sea monitoring, which is expected to go to 100% coverage with federal funding. Profit margins are low; businesses just hanging on; not a lot of innovative tech room for these fisheries. Regulatory impacts make the NE gillnet fishery different from the Mid-Atlantic.

Topic Area	Sub Category	Specific Comment Component
Socio-Economic	Economics	Fishing without vertical/buoy lines should be allowed, helping right whales and fishermen, and ensuring the livelihood of Northeast Fishermen.
Socio-Economic	Economics	Note that these comments [are] in regards to regulations and gear requirements south of Rhode Island and Massachusetts in LMA 2 and LMA 3. Consider burden fishermen face by ever changing and stricter regulations and gear requirements. Greater than half of fishing grounds have been removed by the South Islands Closure Area during the spring lobster run, which is a significant portion of our yearly income. Due to the size of our boat and our location, it is not possible to simply move to different grounds to make up for this loss. In all likelihood this income will never be recovered.
Socio-Economic	Economics	Negative economic impact is not necessarily the outcome of a reduction in fishing effort; in some cases, landings of American lobster have been observed to increase following trap reductions and trap/pot seasonal closures. Query this association for Mid-Atlantic and Southeast fisheries within the scope of the Phase 2 rulemaking.
Socio-Economic	Economics	Economic costs related to seasonal closures in fishing grounds are overly burdensome, especially for fishermen with young families.
Socio-Economic	Economics	North Carolina gill net fishery already a low value; worries about effort reduction resulting in job loss.
Socio-Economic	Community Well-being	It doesn't have to be an either/or situation. There are solutions for these two things to exist in a conflict-free manner for [NARW protection and fishing].
Socio-Economic	Community Well-being	We are a small sector comprising 22 permits and six active vessels, located primarily in Scituate Harbor. Three of our active vessels participate almost exclusively in the gillnet fishery with effort focused in the western GOM. These vessels are important contributors to the economic viability of Sector 12. They each employ 2 or 3 fishermen. Their catches are integral to development of a program to increase the availability of locally sourced seafood in the South Shore region of Massachusetts.
Socio-Economic	Use Value	Consider competing ocean uses related to social and economic impacts.
Socio-Economic	Use Value	[North Atlantic Right Whales] play a vital role in our ecosystem as they help create oxygen and combat climate change. Whales are essential in helping keep oceans healthy and balanced-contribute to absorption of CO2.
Socio-Economic	Use Value	Privileged to have observed 40 right whales in Bay of Fundy. Disheartened they have maintained their endangered status over a 20 year time period
Socio-Economic	Use Value	Well-being of whales is related to a healthy ocean/ecosystem.
Socio-Economic	Use Value	Protecting these ecosystems is related to our own welfare.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	Protect all ocean dwelling creatures from unnecessary death.

Topic Area	Sub Category	Specific Comment Component
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	Protect [NARWs] for future generations.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	I live on Amelia Island, center of the calving grounds for the North Atlantic Right Whale. I have had the rare opportunity to see mothers and their newborns calves a few hundred yards off the beach. Tracking the current problems with entanglements, as well as ship strikes, we need to do better. My mission here in north Florida has been to raise awareness of these problems.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	NARWs needs to be respected, and we need to protect each and every one with the greatest sense of care and urgency.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	Emotionally distressed by mortalities and calves and adults with scars. Distraught by low population numbers and lack of recovery.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	It is within our responsibility/duty to protect the whales.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	Whales and all other marine life deserve to have safe environments to feed, breed and live.
Socio-Economic	Intrinsic Value, Moral, Ethics, Responsibility	Concurs with a recent paper by Wiedenfeld et al. which stated that extinction of a species is neither inevitable nor acceptable, and a goal of no human-induced extinctions is an imperative given the irreversibility of species loss.
Fishing Gear	Gillnet Configuration	Easy to add to weak links to end lines as they are already in headrope for gill nets in New Hampshire.
Fishing Gear	Gillnet Configuration	Consider balance between management measures and operational realities hauling gillnet gear; suggests lighter rope at surface but stronger toward bottom near anchors. Breaks near surface practical but at deeper depth need hauling strengths so location of weak link will be important to study. Concerned about ability to retrieve gear safely.
Fishing Gear	Gillnet Configuration	Gillnets pose an outsized entanglement threat to right whales and other marine animals (including humpback whales, minke whales, seals, and some endangered sea turtle species).
Fishing Gear	Gillnet Configuration	Tie downs can reduce efficiency for some species and height change is only 6 ft.
Fishing Gear	Gillnet Configuration	Depending on the season, location and target catch, both stand-up and tie-down nets are used. Stand-up nets are necessary for catching groundfish like pollock while tie-down nets are used for flounders and monkfish. Due to groundfish closures (seasonal and permanent) as well as the potential for gear conflicts with mobile gear, there are limited areas and times when gillnet fishermen can fish efficiently to harvest their allocation.
Fishing Gear	Gillnet Configuration	Account for regional and seasonal gillnet fishing practices that will vary with target species, depth, time of year and location.

Topic Area	Sub Category	Specific Comment Component
Fishing Gear	Gillnet Configuration	Any modifications that require a specific number of individual nets in a gillnet string can be easily accomplished with minimal time burden, but modifications to individual net panels can be costly and time consuming.
Fishing Gear	Gillnet Configuration	Consider different number of nets per string (e.g. Federal monkfish: minimum of 15 panels of 300' long per set is reasonable).
Fishing Gear	Gillnet Configuration	The number of nets/panels on a string/set varies between fishery and vessel capabilities.
Fishing Gear	Trawling Up	Recommends trap cap, year round trawling up requirements, and 1700 lb weak rope in the top 75% of one end line - or conservation equivalency if rope continues to be unavailable.
Fishing Gear	Trawling Up	Changes to "trawling up" requirements similar to those implemented in the lobster and Jonah crab fisheries (that is, 45 pots/line) should not negatively affect the red crab fishery; nor should the closure areas proposed for these two fisheries.
Scope of Phase II	Impacted Fisheries	Phase 1 did not get sufficient risk reduction to reduce entanglement risk and comply with the statutory requirements to reduce takes under the Endangered Species Act and Marine Mammal Protection Act. Include Lobster and Jonah crab fisheries in Phase 2 under higher level of risk reduction.
Scope of Phase II	Impacted Fisheries	The fisheries included in Phase 2 collectively represent approximately seven percent of vertical buoy lines fished in the United States.
Scope of Phase II	Impacted Fisheries	Develop effort reduction plan for the nearshore lobster industry.
Scope of Phase II	Impacted Fisheries	Phase I fisheries need to be included in Phase 2 to reach a risk reduction target minimum of 80%. As noted by the National Marine Fisheries Service in its December 30, 2020 Federal Register Notice, "over 95 percent of vertical buoy lines fished along the U.S. East Coast in waters not currently exempt from Plan requirements are fished by the lobster and Jonah crab trap/pot fishery, with 93 percent within the Northeast Region."
Scope of Phase II	Impacted Fisheries	Gillnet impacts on right whales are not insignificant. 33 percent (8/24) of North Atlantic right whale entanglements cases between 2010 and 2013 were in gear consistent with that used in gillnet fisheries.
Line/Effort Reduction	Current Fishing Effort	Most [gillnet] fishing effort [in North Carolina] is within 5 miles of the beach; hardly anything past that except for black sea bass potters.
Line/Effort Reduction	Current Fishing Effort	Difficult for gillnet fishermen targeting monkfish, skates in the Northeast to enter the fishery. Disagrees with regulating soak time, tie downs, trawling up, and proposed net limits.
Line/Effort Reduction	Current Fishing Effort	Fishing effort in Maryland state waters is greatly reduced (6-10 pot fishermen and 2-3 gill net fishermen left). Participants are aging out and prices have remained low.

Topic Area	Sub Category	Specific Comment Component
Line/Effort Reduction	Current Fishing Effort	Gillnet fisherman in Rhode Island State waters. NEVER had any interaction with whales of any kind. We use all stand up gear to target the species in our area, Bluefish, Scup, seabass, Bonita etc. Tie down nets would not work for these fisheries. We have all the required weak links in place on the nets and buoy lines. We use 3/8" line and anchors on all nets. All this is documented on observer reports. There is already a limited entry program in place here in Rhode Island for Gill net permits/endorsements. No new permits are being issued. Laws are in place limiting the number of nets and spacing and maximum soak times. Many families rely on this fishery both for income and as a valuable source of protein for the public. The Gillnet fishery is being managed and conducted responsibly here in Rhode Island. There is no need for any changes.
Line/Effort Reduction	Current Fishing Effort	Northeast gillnet fleet routinely fish less buoy lines than other fisheries. Consider that NE gillnet sector effort already greatly reduced due to those exiting the fishery. Gillnet fleet is insignificant compared to lobster industry. Many have a maximum of 10 -12 pieces of rope in the water even during our busiest months. Our fleet has substantial observer and reporting requirements and compliance with closed areas, observers, weak links, gear markings, pingers and Danforth anchors to help protect marine mammals. Ensure regulatory measures makes sense and aren't just some broad brush approach that needlessly and negatively affects this fishery. Gillnetting just became too overwhelming, confusing and expensive for many vessels to continue. The few remaining gillnetters have only been able to survive by diversifying their fishing practices when it comes to areas fished and different gear configurations which target different species.

Topic Area	Sub Category	Specific Comment Component
Line/Effort Reduction	Current Fishing Effort	The only fixed gear currently allowed in the calving habitat is blue crab pot gear. GaDNR estimates fewer than 25 crabbers fish in Georgia state ocean waters (i.e., ALWTRP-regulated waters) during the winter calving season. The blue crab fishery is limited entry, so we do not anticipate that number will increase in the future. Blue crab pots are small and lightweight, and they are set in shallow water near shore less than 3nmi. Buoy ropes are typically short (<100 ft) and made of 1/4"-5/16" diameter braided "Osprey" sink rope that breaks at <1,500 pounds. Buoy ropes must be marked in three locations with blue and orange marks, according to existing ALWTRP rules. No entanglements in blue crab gear have been detected or suspected in Southeast U.S. waters to date, despite significant seasonal monitoring of state and federal ocean waters by NARW aerial and boat survey teams. If a crab pot entanglement is documented in Georgia in the future, GaDNR has mechanisms to temporarily (O.C.G.A. § 27-4-130) or permanently (O.C.G.A. § 27-4-151) close state ocean waters to crabbing.
Line/Effort Reduction	Current Fishing Effort	Under Amendment 16 to the Northeast Multispecies Fishery Management Plan in the commercial groundfish fishery, there is a high level of reporting and monitoring requirements under the sector program as well as the changes in reported stock status that has led to steep ABC reductions for many groundfish stocks over the past five years. These ABC reductions, notably for cod, have led to an exponential reduction of effort in the gillnet fishery. Note, due to the reduction in fishing activity, Northeast Fishery Sector 3 became insolvent and merged with Northeast Fishery Sector 2 during the 2019 fishing year.
Line/Effort Reduction	Current Fishing Effort	Significant decrease in trips conducted by New Hampshire sector gillnet vessels since 2011. NEFS 11 currently have only FOUR active gillnet vessels, two of which are part time gillnet operators in FY 2021. Projections indicate that a total of 345 gillnet trips will be completed this year, all of which will occur in the Gulf of Maine region. While some of this decrease in gillnet activity can be attributed to vessels switching their effort into other fisheries using other gear types, the majority of the reduction is the direct results of owners/captains retiring. Many of these permits have been moved onto either skiffs or place in Confirmation of Permit History and enrolled in the sector system as inactive. While theoretically, these permits could be reactivated and fished on gillnet vessels again, current and projected market and fishery conditions make this possibility unlikely. Few inactive fishermen will be returning to fishing any time soon and there are very few young fishermen looking to getting into the business.
Line/Effort Reduction	Current Fishing Effort	The Phase 2 requirements applicable to the Atlantic deep-sea red crab fishery should be minimal because the fishery currently has minimal impact to whales. If all four of the active red crab fishing vessels are fishing at the same time, they only deploy 32 buoy lines (with weak links) over the course of as many miles, and do so in waters deeper than those in which Atlantic right whales are found.

Topic Area	Sub Category	Specific Comment Component
Line/Effort Reduction	Latent Effort	Collect latent effort in static gear fisheries, not in favor of reducing effort in drop-net fishery.
Line/Effort Reduction	Latent Effort	Remove latent effort in the NJ gill net fishery. Consider banning anchored gear in New Jersey state waters.
Line/Effort Reduction	Latent Effort	Cap latent effort in all Category I and II fixed gear fisheries.
Line/Effort Reduction	Effort Reduction	Effort reduction in SE may be ineffective because of movement between fisheries.
Line/Effort Reduction	Effort Reduction	Recommends limited entry program be implemented for the Spanish Mackerel gillnet fishery managed by the SAFMC, particularly for the region from Cape Canaveral to Martin County [Florida] 3 to 7 miles off the coast to prevent [inexperienced] fishermen from entering the fishery.
Line/Effort Reduction	Effort Reduction	It will be difficult for NMFS to achieve meaningful risk reduction by further managing Southeast fisheries, because the NARW calving habitat is already being managed extremely conservatively. Gillnets and trap/pot gear are already prohibited seasonally in Southeast U.S. federal waters because of previous ALWTRP and South Atlantic Fishery Management Council actions.
Line/Effort Reduction	Effort Reduction	Too much fixed gillnet gear in the waters of the U.S. Atlantic. Include alternatives in the EIS that will consider gear reductions to limit net quantity and vertical lines as both pose entanglement risk.
Line/Effort Reduction	Effort Reduction	NMFS suggested limited access to the skate fisheries managed under the Northeast Skate Complex Fishery Management Plan (Skate FMP), an alternative that the Council recently considered. The Council decided to not move forward on skate limit access because it believes there is insufficient need from a biological perspective to control capacity through limited access, and there has been declining effort in the skate fishery without a limited access program in place. The Magnuson-Stevens Act (16 U.S.C. 1854(c)(3)) stipulates that the Secretary may not establish a limited access program for a fishery under the authority of a Council unless such program is first approved by the Council.
Line/Effort Reduction	Effort Reduction	Decreasing the number of nets directly results in reduced catch, and therefore reduced profits. Similar to the above scenarios, a decrease in nets per set would result in fishermen increasing the number of sets in order to mitigate catch reduction.
Line/Effort Reduction	Soak Time Reduction	Gillnet effort is already economical and requirements to reduce soak time may increase effort or add gear to the water.
Line/Effort Reduction	Soak Time Reduction	Soak time regulations would be a safety liability if vessels felt they had to sail in inclement weather (i.e. in to avoid regulatory violations; mitigate the effects of soak time reduction, catch and profit loss).
Line/Effort Reduction	Soak Time Reduction	NE gillnet soak time is already carefully managed. Catch quality is a major concern, not only because of the impact on value, but also due to accountability regulations within the sector system where even fish discarded due to poor quality must be replaced by ACE (quota) leased at market rates by each fisherman.

Topic Area	Sub Category	Specific Comment Component
Line/Effort Reduction	Soak Time Reduction	Overnight soak times are crucial for most gillnet and fish trap operations to be economically valuable. Soak time reduction reduces profitability.
Line/Effort Reduction	Soak Time Reduction	Any restriction on overnight soak times would not allow fishermen to effectively harvest their targeted species
Line/Effort Reduction	Soak Time Reduction	Include soak time restrictions that are no longer than 24 hours to ensure entanglements and lost gear are detected, and that the quality of catch is preserved. Include a requirement that all vessels using anchored sink gillnets remain in the vicinity of the gear and retrieve the gear before returning to port.
Line/Effort Reduction	Soak Time Reduction	Research the minimum amount of soak time required for various fish to determine how long nets can stay in water, and provide regulations based on these requirements.
Line/Effort Reduction	Soak Time Reduction	Soak durations of the gear must be sufficient to catch your target species.
Line/Effort Reduction	Soak Time Reduction	When extended weather patterns are predicted that will prevent regular tending, gillnetters will remove their gear from the water.
Line/Effort Reduction	Soak Time Reduction	Limit fishing with gillnet gear at night (i.e., anytime between one-half hour before sunset and one-half hour after sunrise). Prohibit wet storage of gillnets.
Line/Effort Reduction	Soak Time Reduction	Average soaking hours vary between targeted species, with groundfish and dogfish gear typically soaking 12 to 48 hours, and monkfish gear typically soaking two to five days depending on weather and season.
Line/Effort Reduction	Soak Time Reduction	Overnight soaks restrictions may not be feasible for areas that require a 10 to 12 hour steam each way to get to and from fishing grounds, as is the case between Chatham/Harwich, MA and SNE fishing grounds.
Line/Effort Reduction	Remove all buoy line	Against any fishery that uses vertical lines in the water. Remove all gear that is known to cause death and severe injury.
Line/Effort Reduction	Remove all buoy line	Eliminate vertical lines in areas where right whales are likely to be present, eat or socialize.
Line/Effort Reduction	Remove all buoy line	Using new technology to allow fishermen to fish without buoy lines should be allowed. Not against fishing but think they should fish in a way that does not harm right whales.
Line/Effort Reduction	Remove all buoy line	All trap/pot fisheries should switch to mobile gear fisheries like trawl fisheries.
Line/Effort Reduction	Remove all buoy line	Prohibit pot/trap fishery in North Carolina along the migratory routes while whales are present.
Line/Effort Reduction	Remove all buoy line	Abolish and outlaw gill nets in the waters of the United States and reduce all other lines associated with pots or hooklines.
Line/Effort Reduction	Remove all buoy line	The most logical strategy to prevent entanglement is to eliminate the chances for NARWs to encounter fishing gear.

Topic Area	Sub Category	Specific Comment Component
Line/Effort Reduction	Remove all buoy line	Weak rope not a long-term solution. Weak rope insufficient risk measure to reduce right whale entanglement mortality, serious injury, and/or prevent sub-lethal effects of entanglements. Calves and some juvenile right whales are not likely to be able to generate sufficient force to break 1700 lbs. of rope.
Line/Effort Reduction	Remove all buoy line	Relying on disentanglement networks is not a long-term solution to reduce serious injury or mortality. Only removing vertical buoy rope from the water column can prevent entanglements.
Line/Effort Reduction	Vertical Line Reduction	Recommends a package comprised of the forthcoming trap cap, year round trawling up requirements, and 1700 lb weak rope in the top 75% of one end line - or conservation equivalency if rope continues to be unavailable.
Line/Effort Reduction	Vertical Line Reduction	Cap all vertical lines in permitted U.S. fisheries; prohibit aquaculture using vertical line in federal waters; and use data to establish a quantifiable minimum 50 percent reduction in vertical lines.
Line/Effort Reduction	Vertical Line Reduction	For the OTP fisheries, a minimum of 8 [fish] traps per trawl would be a reasonable burden in areas where there are already existing minimum traps per trawl requirements. Vessels are often smaller in the fish trap fishery, and requiring more traps in a trawl may be overly burdensome to many boats.
Line/Effort Reduction	Vertical Line Reduction	Entanglements in commercial fishing rope are the leading cause of NARW deaths and injuries. Entanglement risk will need to be reduced significantly for species recovery.
Line/Effort Reduction	Vertical Line Reduction	Offshore fishing gear, i.e. beyond state waters (lobster, crab, gillnet, longline) should be mandated to be ropeless (either hybrid trawl with one end line ropeless and the other end fully weak or ideally fully ropeless) immediately and year-round.
Line/Effort Reduction	Vertical Line Reduction	Phase 2 must focus on removing vertical lines from the water through effort reduction and fishery-area closures.
Line/Effort Reduction	Vertical Line Reduction	Implement an overall 50 percent reduction in vertical lines in all state and federal waters outside the closures through end line removal, trap reduction or use of ropeless gear.
Line/Effort Reduction	Vertical Line Reduction	Achieve greater reductions in buoy lines through seasonal restrictions and a cap on the number of buoy lines in federal waters. Trawling up does not actually guarantee a reduction in lines in the water.
Ropeless Fishing	General	Need for incentives for ropeless fishing.
Ropeless Fishing	General	Ropeless lines need to replace vertical lines in right whale habitat.
Ropeless Fishing	General	Accelerate move to ropeless fishing by 2022 by extending pot trap seasons for ropeless fishers.
Ropeless Fishing	General	Allow black sea bass potting with ropeless gear in Southeast U.S. waters during the calving season.
Ropeless Fishing	General	Worried about ropeless technology creating ghost gear if buoys fail to deploy correctly

Topic Area	Sub Category	Specific Comment Component
Ropeless Fishing	General	Uses a "pop-up" in the buoy line to keep the buoy submerged in the Southeast Florida lobster and stone crab trap pot fishery to prevent theft and entanglement. Dissolvable pop-ups costs a dollar or so each and are rated in how long they last in days (e.g., 2, 5, 7, 10 days)
Ropeless Fishing	General	Use technology that allows fishermen to fish without buoy lines. Fishing without vertical/buoy lines in these areas should be allowed, helping both right whales and fishermen to maintain their livelihoods.
Ropeless Fishing	General	Ropeless may be more viable option in gillnet fishery - Limited gear per vessel- A gillnetter fishes 5 or 6 sets of gear - Better communication: Almost all gillnet gear is hauled on a daily basis. Concerns over inadvertent crossing are mitigated by the ability to communicate in real time. - Possibility of a hybrid concept where an acoustic release is the primary means of recovery but a second weak marker, possibly attached to a stronger recovery line which remains on the bottom is available should the acoustic release fail.
Ropeless Fishing	General	Develop a training strategy to help fishermen transition to ropeless; training should be mandatory requirement to fish in federal waters.
Ropeless Fishing	General	Increase speed and scale of ropeless fishing implementation. Increase the sample size of ropeless tests, allow for replication, and provide more fishermen with the opportunity to use the technology and provide feedback to system developers on how to improve and tailor the design to meet their specific needs.
Ropeless Fishing	General	The development of a virtual gear marking system that will allow fishermen, regulators, and enforcement agencies to locate the gear should be expedited.
Ropeless Fishing	General	The red crab fishery is working on developing ropeless gear technology and hopes to eliminate the 32 buoy lines currently in use. NMFS should allow the red crab fishery to utilize functional gear calibrated to its fishery's depth and technique.
Ropeless Fishing	General	Removing vertical buoy ropes from the water column will protect right whales, while allowing fishermen to maintain – and even expand – their access to important fishing areas.
Ropeless Fishing	Ropeless Gear Conflict	Ropeless is not yet a viable management tool at this time given gear conflict issues with static and mobile gear fisheries, gear localization challenges across fisheries and enforcement, and cost-prohibitive nature of the ropeless units.
Ropeless Fishing	Ropeless Gear Conflict	Mandate the use or ropeless gear and gear localization technology across fisheries.
Ropeless Fishing	Ropeless Gear Conflict	Advancements made in recent years in both GPS and acoustic modem technology that address the concerns about gear loss and/or fouling of gear by trawlers or dredgers, as well as state and federal regulatory requirements. Ropeless is already being trialed by a number of lobster and crab fishers in both the U.S. and Canada.

Topic Area	Sub Category	Specific Comment Component
Ropeless Fishing	Exempted Fishing Permits	Permitting process for ropeless fishing should be streamlined and fishermen should be provided with support through process.
Ropeless Fishing	Exempted Fishing Permits	Prioritize authorizing EFPs to those fishers who can demonstrate a history of prior landings within the restricted area to minimize potential lost revenue.
Ropeless Fishing	Exempted Fishing Permits	Increase and distribute its gear library, including providing staff support to the NEFSC to train gear users, collect and analyze data and provide regular updates to the ALWTRT on progress.
Ropeless Fishing	Exempted Fishing Permits	Create pathway to test and use ropeless technology in U.S. Atlantic fixed gear fisheries and to provide incentives to exempt these technologies from some regulations if and when the gear is demonstrated to be low or zero risk for whale entanglement.
Ropeless Fishing	Exempted Fishing Permits	Suggests two permitting structures– one is an Experimental Fishing Permit (ExFP), whereby fishers are given the opportunity to test the gear that is loaned to them in a defined area and provide feedback to the researchers. Second is a system where a fisher gets an Exempted Fishing Permit (EFP), whereby fishers who have gone through a suitable training program can be given an opportunity to lease or purchase ropeless gear and be allowed to harvest lobster in a closed area. Maintain a training program in place to help fishers with transition to ropeless. Provide support to help fishers troubleshoot problems with ropeless gear.
Ropeless Fishing	Exempted Fishing Permits	Improve the regulatory framework and put in measures broadly that will have equal impact across the industry.
Ropeless Fishing	Exempted Fishing Permits	Supports access to seasonal restricted areas to fishers appropriately permitted to commercially harvest using ropeless fishing systems. Continue to support this research and explore ways to incentivize or require the use of ropeless gear in Phase 2.
Ropeless Fishing	Exempted Fishing Permits	Set minimum standards (e.g., low vessel speed limits, observer monitoring, reporting requirements etc.) for any exempted fishing permit. Increase surveillance in areas in which gear testing is authorized. Time-area restrictions for testing activities should also be considered to protect particularly vulnerable life history stages, including mothers and calves, and juveniles.
Ropeless Fishing	Exempted Fishing Permits	Examine all opportunities for testing ropeless gear in the Mid-Atlantic and Southeast, for both gillnets and trap/pot fisheries.
Ropeless Fishing	Exempted Fishing Permits	Provide proactive, transparent, and comprehensive legal path for ropeless fishing permits. Current one-off Exempted Fishing Permits (EFPs) granting use of non-compliant gear (i.e. grappling) for ropeless experimentation is not a long-term solution.
Ropeless Fishing	Ropeless Technology Costs	Ropeless fishing is not ready for implementation because it is not economically viable and should not be required to fish within LMA 1 Restricted Area.

Topic Area	Sub Category	Specific Comment Component
Ropeless Fishing	Ropeless Technology Costs	The socio-economic implications of [ropeless] technology and the inequities which will result must be carefully considered. Large upfront capital costs will undoubtedly create winners and losers in many fisheries, undermining fleet diversity and the cultural fabric of fishing communities.
Ropeless Fishing	Ropeless Technology Costs	Consider restricted time/area closures will present an equity issue as those who can afford ropeless will have an unfair advantage to others who cannot afford to. Unclear whether NMFS current ropeless gear cache is adequate for expanding interest in ropeless fishing. Examine whether costs of rope gear is offset by costs of rope maintenance and replacement.
Ropeless Fishing	Ropeless Technology Costs	Further analysis of the potential economic benefits of switching to ropeless gear is warranted.
Ropeless Fishing	Ropeless Technology Costs	Fishermen members have been at the forefront of testing and developing gear modifications, undertaking financial risk and contributing a significant amount of time and energy into these developments. Our fishermen members support the current methods, and would be open to discussing the improvement of these.
Ropeless Fishing	Ropeless Technology Costs	Fishermen opinion on testing ropeless gear varies, but we do have some members testing on lobster trawls. Testing has demonstrated that the technology itself is in need of improvement before any implementation would be considered, with biggest concerns regarding safety, affordability, gear reliability (not currently ready for wide scale adoption), and gear conflict within and across gear types. Our fishermen members would not be willing to incur any additional costs for ropeless gear at present, even if it granted access to restricted areas.
Ropeless Fishing	Ropeless Roadmap	Applauds Roadmap and allowance of ropeless fishing in areas closed to commercial fishing with vertical lines. Removing vertical lines from water column and ropeless fishing should be the long-term answer.

Topic Area	Sub Category	Specific Comment Component
Ropeless Fishing	Ropeless Roadmap	Urges the agency to fully detail how ropeless fishing systems will be advanced. Recommend the development and implementation of the Roadmap be the responsibility of a dedicated senior agency staff member and explicitly include, at minimum, the following: 1. A clear account of how projects will be carried out in partnership with the fishing community; 2. Creation of at least one large-scale demonstration trial involving multiple fishermen and enforcement staff; 3. A trial design that focuses on practical modifications to existing ropeless equipment recovery systems to improve efficiency and reduce costs for fishermen (e.g., improving efficiency of deployment, engineering adjustments to improve compatibility with specific fishing vessels, assessing other potential economic benefits such as gear loss reduction, etc.); 4. A detailed and robust methodology that describes the types of data and information that will be collected at certain milestones, and how data (raw and/or derived) will be made publicly available; 5. Adequate sample size and replication; 6. The definition of regulatory requirements for a virtual gear marking solution to track and share the location of ropeless fishing systems to prevent potential gear conflicts among fishermen and enable enforcement. 7. A plan for consultation, collaboration and/or knowledge sharing with other stakeholders, including the mobile-gear industry, members of the Atlantic Large Whale Take Reduction Team, other government and non-government entities working on this issue (e.g., Department of Fisheries and Oceans – Canada, California Department of Fish and Wildlife, relevant fisheries councils and commissions, etc.); and 8. Robust evaluation of the steps and resources necessary to attain large-scale commercial deployment of ropeless fishing systems, and a corresponding implementation plan.
Weak Rope/Inserts	Operational Use	Gear modification with weak links should be easy in NC gillnet fishery (targeting spanish mackerel, bluefish, king mackerel, coastal sharks). Fishermen leave in weak links once they are inserted.
Weak Rope/Inserts	Operational Use	Doesn't like using plastic weak link inserts.
Weak Rope/Inserts	Operational Use	Uses a Chinese finger trap weak link contrivance- uses two hollow braid lines and puts 2 feet of 5/16th into each side.
Weak Rope/Inserts	Operational Use	Weak links will part with gear before it can be pulled in. 600 lb weak links break with little boats tug on the surface system or when gear is hauled. Fishes 3/8 buoy lined and 5/16th sink line in surface system.

Topic Area	Sub Category	Specific Comment Component
Weak Rope/Inserts	Operational Use	State water commercial gillnetter out of Hatteras targets spanish mackerel bluefish, coastal sharks (sharpnose), and mullet. Uses weak line as in-gear weak inserts, plastic link at the buoy. Fishes three 330 ft nets in 2 to 4 sets that he more or less tends, runs them out, picks up and resets; rarely loses any gear. Limited to length by BDTRT. Meshes range from 2.5 for mullet to 6 inches for coastal sharks and king mackerel, mostly 3.5 inch mesh. Buoy rope is 3/8 inch diameter; some neighbors use 5/16 because it is much less expensive but it stretches and isn't strong enough for operation.
Weak Rope/Inserts	Operational Use	There are not great options for weak inserts.
Weak Rope/Inserts	Operational Use	Modify gillnet anchor requirements to accommodate weak links.
Weak Rope/Inserts	Operational Use	Evaluate load cell on buoy lines to figure out anchor weight and weak insert configurations. Willing to use an 8 lb or 12 lb anchor in the New Hampshire gill net fishery
Weak Rope/Inserts	Operational Use	Concern about additional weak links in gillnet gear contributing to gear loss by having a breaking strength that is too low to support normal fishing operations or weather events.
Weak Rope/Inserts	Efficacy	The use of weak rope or weak insertions is insufficient for risk reduction goals, especially for juveniles and calves.
Weak Rope/Inserts	Efficacy	Research on end line/buoy line load testing needs to be completed before any modifications to this portion of the gear be considered.
Weak Rope/Inserts	Efficacy	NMFS should not include weak rope measures as a means of risk reduction and should instead focus on measures that reduce entanglement encounters like vertical line reduction, fishery-area closures, and ropeless fishing systems.
Weak Rope/Inserts	Breaking Strength Caps	Wonders why fin fish pot fishery required to have breaking strengths lower than gillnetters.
Weak Rope/Inserts	Breaking Strength Caps	Gillnet 1100 lb weak link requirement should stay. Similar weak rope/weak insertions to Phase I could be enacted. Closer to shore both ends could be required to comply with the 1700 lb weak rope/links and farther offshore the requirement would be for 1 end to be categorized as weak similar to the differences between the Area 2 and Area 3 lobster fisheries.
Weak Rope/Inserts	Breaking Strength Caps	Reinstate requirements for weak links at each buoy in the lobster fishery (Phase 1 fishery). Maintain weak link breaking strengths at 600 lb inshore and 1100 lb offshore for gillnet fishery.
Weak Rope/Inserts	Breaking Strength Caps	Allow red crab fishery to remain using a weak link with a breaking strength of 2,000 pounds, as under existing regulations. Current breaking strength level is calibrated to the weight of the gear used in the red crab fishery. Red crab fishery should be able to continue to use weak links, rather than being required to fish 75% weak line.
Weak Rope/Inserts	Placement of Weak Inserts	Require fishermen in state and federal waters to put in fully weak rope requirements with contrivances every 60 feet or manufactured weak rope throughout 75% of the end line - or conservation equivalency if rope continues to be unavailable.
Weak Rope/Inserts	Placement of Weak Inserts	Vertical lines should be reduced to 1700 lb throughout the entire length not just the upper portion or through weak contrivances.

Topic Area	Sub Category	Specific Comment Component
Weak Rope/Inserts	Costs of Weak Rope/Inserts	Do not change weak links weak link requirements in Phase II for gillnet and OTP. Multi-fishery weak link changes may be too burdensome for some operations to handle. Consider additional time, money, and stress in rule making.
Weak Rope/Inserts	Costs of Weak Rope/Inserts	Current methods of “whale breaks” or weak links (including 1,100lb breaking strength plastic weak links and overhand or other knots) are low cost and take little time to install or replace. Other methods, such as splicing in sections of weak rope or adding sleeves take significantly more time to add or replace, especially when engaged in fishing activity offshore.
Rope	Sizing	Uses rope with less than 1700 lb breaking strength, Osprey number 9, to fish for blue crab in South Carolina.
Rope	Sizing	Fishes 3/8 buoy lined and 5/16th sink line in surface system.
Rope	Sizing	State water commercial gillnetter out of Hatteras; targets spanish mackerel bluefish, coastal sharks (sharpnose), even mullet. Buoy rope is 3/8 inch diameter; some neighbors use 5/16 because it is much less expensive but it stretches and isn't strong enough for his operation.
Rope	Sizing	Evaluate buoy lines and rope diameters as a risk reduction measure.
Rope	Sizing	The only fixed gear currently allowed in the calving habitat is blue crab pot gear. Blue crab pots are small and lightweight, and they are set in shallow water near shore. Buoy ropes are typically short (<100 ft) and made of 1/4”-5/16” diameter braided “Osprey” sink rope that breaks at <1,500 pounds. Buoy ropes must be marked in three locations with blue and orange marks, according to existing ALWTRP rules. No entanglements in blue crab gear have been detected or suspected in Southeast U.S. waters to date, despite significant seasonal monitoring of state and federal ocean waters by NARW aerial and boat survey teams.
Rope	Sizing	Sees the practicality of a maximum head rope size of 3/8” line for gillnets.
Rope	Sizing	Sees the practicality of a maximum end line/buoy line size of 7/16” line.
Rope	Marking Requirements	Create marking specific to fisheries and/or regions and target gear marking in areas with entanglement problems.
Rope	Marking Requirements	Support for marks observable from afar
Rope	Marking Requirements	Expand gear marking to all U. S. fixed-gear fisheries, including exempted areas. At minimum identify a fishery to sub- regional levels, although ideally gear should be identifiable down to the individual operator.
Rope	Marking Requirements	Require 100 percent gear marking, 100 percent electronic reporting, and 100 percent electronic vessel monitoring in all federal waters and for all federal permit holders in trap/pot and gillnet fisheries. Require all federal trap/pot and gillnet permit holders to mark their gear and their rope every 40 feet.
Rope	Marking Requirements	Current gear marking requirements not too difficult so long as they are within reason (tape, colored rope, etc.). Needs to be touched up every so often.

Topic Area	Sub Category	Specific Comment Component
Rope	Marking Requirements	Current gear marking methods are low-cost methods (i.e. tape or paint) that are typically performed at the dock/on land and take a reasonable amount of time to complete. Surveyed fishermen members are willing to alter gear marking as long as the material cost remains low.
Rope	Marking Requirements	Additional gear marking can be a big annual time and cost commitment; simplify regulations to minimize impact.
Safety	Gear Modification	Supports measures to reduce risk of entanglements that reasonably modify fishermen's existing gear and prioritize safety of fishermen. Diameter of rope should be large enough for their haulers and not pose safety risks in hauling gear. Avoid unintended consequences that could lead to ghost gear or operational hazards.
Safety	Gear Modification	Balance gear modifications suggested in scoping and operational realities hauling gill net gear. Evaluate weak links near the surface with stronger rope toward the bottom near anchors.
Safety	Ropeless Gear	Ropeless fishing is unsafe.
Safety	Ropeless Gear	Inability to locate gear or avoid trawls and nets to be set over each other may be compounded by fishermen using ropeless gear, increasing risk of risk of losing or damaging gear and high risk of injury to crewmembers.
Safety	Soak Time Regulations	Consider operational and safety limitations that soak time restrictions impose on smaller vessels, especially in inclement weather.
Safety	Soak Time Regulations	A reduction in soaking hours would be mitigated by an increase in the amount of gear being fished in order to make up for lost catch. There is also potential for fishermen to increase fishing pressure on days that would previously be deemed unsafe for fishing based on weather in order to further mitigate the effects of soak time reduction/catch and profit loss.
Safety	Dynamic Management	Weather and boat capacity limit feasibility of dynamic management and rolling closures in a time frame that could potentially provide risk mitigation, especially for smaller vessels.
Funding/Subsidies	Fishermen Assistance	Ropeless fishing gear should be subsidized by state and federal governments.
Funding/Subsidies	Fishermen Assistance	Unclear whether NMFS current ropeless gear cache is adequate for expanding interest in ropeless fishing.
Funding/Subsidies	Fishermen Assistance	Consider a leasing arrangement so that fishermen could lease ropeless gear for the times and areas that are closed and where they would like to fish. Financial subsidies should be considered for the mobile gear fleet to ensure they have access to whatever gear marking strategy is approved. A government insurance strategy should be developed for ropeless gear so that some level of gear loss would be covered if fishermen are required to buy their own gear.

Topic Area	Sub Category	Specific Comment Component
Funding/Subsidies	Gear innovation Funding	Prioritize development and testing of gears that will improve trap efficiency, reduce entanglement risk and otherwise respond to entanglement issues in the upcoming Bycatch Reduction Engineering Program (BREP) funding opportunity.
Funding/Subsidies	Gear innovation Funding	Under the Scientific Assistance for Very Endangered North Atlantic Right Whales Act of 2019 (SAVE Right Whales Act), a grant program was established to encourage cooperation between states, NGOs, and members of the fishing industry to reduce negative human impacts on the right whale population. (SAVE Right Whales Act, H.R.1568, 116th Congress.). Fund more research on developing safer technology, reduction in co-occurrence through gear adaptation.
Seasonal and other time/area proposals	General	Shift away from localized, seasonal management.
Seasonal and other time/area proposals	General	Revisit current closed fisheries and evaluate for removal given current information on redistribution of both fishing effort and critical whale habitat.
Seasonal and other time/area proposals	Review of Closures	Review the boundaries and the seasonality of restricted areas on a regular basis (1-5 years) and adjust them based on their potential to reduce risk. This process should include a schedule for the review, criteria to evaluate, and methods to monitor efficacy of existing and potential new areas.
Seasonal and other time/area proposals	General	Gillnet fleet cannot go elsewhere due to gear conflicts with other gear types and mobile gear. Limited productive hard bottom areas that this fleet needs access to in order to remain profitable. The agency should not implement closed areas or gear modifications that affect net height.
Seasonal and other time/area proposals	General	Fishermen react to restricted and closed areas by either just tying up for the length of the restriction or moving effort into other areas not affected by the restrictions as long as fishing remains profitable.
Seasonal and other time/area proposals	General	Current seasonal restricted areas should be based on current science of timing and locations of large whale distributions as impacted by climate change; accounting for known aggregations of right whales outside of the restricted areas, as well as unexpected aggregations of whales in surrounding areas.
Seasonal and other time/area proposals	General	Closed areas for gillnets should not be considered in this phase.
Seasonal and other time/area proposals	General	Expand time/area closures along entire East Coast/migratory route. Current fishery closures should remain in effect permanently.
Seasonal and other time/area proposals	General	Maintain co-occurrence of the region's fisheries and right whales as a metric to support for the expansion of existing areas or the identification of new areas for consideration as seasonal closures.

Topic Area	Sub Category	Specific Comment Component
Seasonal and other time/area proposals	General	Reconsider closures not implemented in Phase I.
Seasonal and other time/area proposals	New England	Establish year-round closure in Southern New England.
Seasonal and other time/area proposals	New England	If NMFS is forced to delay its implementation of new regulations for gillnet fisheries beyond 2023 (see Conservation Framework), we urge you to either prohibit all gillnet fisheries with static vertical lines in the new South Island Restricted Area (closed to lobster and Jonah crab fishing under Phase 1) or leave the court-ordered closures for Nantucket Lightship and Closed Area I Groundfish Closed Areas to gillnet fisheries in place until the Team has fully addressed gillnet fisheries in this area
Seasonal and other time/area proposals	New England	The South Islands Closure Area should not be applied to gillnet or fish trap fisheries
Seasonal and other time/area proposals	New England	Implement new closures (beyond the Mass Restricted Area closure) year-round (if the idea of shifting to broad-based ropeless or hybrid trawls is not enacted).
Seasonal and other time/area proposals	New England	Establish six targeted seasonal and year-round closures to vertical line trap/pot gear fishing in areas where right whale presence most frequently occurs with heavy lethal gear – one area in Southern New England south of Martha's Vineyard and Nantucket, and five areas in the Gulf of Maine where whales aggregate to feed and migrate. Analyze areas around Long Island, New York and along the Southeast coast.
Seasonal and other time/area proposals	Mid-Atlantic	Strongly opposed to closed areas as a management strategy for the Mid-Atlantic region.
Seasonal and other time/area proposals	South Atlantic	Existing closures, including the Southeast U.S. Restricted Areas North and South, and gear restrictions should not be removed or weakened in this upcoming rulemaking.
Seasonal and other time/area proposals	South Atlantic	Codify all existing fishery closures and restricted areas that provide a conservation benefit for right whales in the Southeast (e.g. include black sea bass trap/pot closure-established through Amendment 19 of the South Atlantic Fishery Management Council's Snapper-Grouper Fishery Management Plan- in ALWTRP)
Seasonal and other time/area proposals	Dynamic Management	Establish criteria to create temporary reactive management areas, when sightings of NARWs are found during surveys or by other means. Include monitoring requirements and criteria to dissolve these areas when whale aggregations move to other areas or disperse altogether. Assess the legal (i.e. NEPA, APA) and safety elements that would need to be addressed to allow for DAM to be considered.
Seasonal and other time/area proposals	Dynamic Management	Dynamic management should not be considered by the agency. It is challenging and unrealistic to know where right whales may be at any given time.

Topic Area	Sub Category	Specific Comment Component
Seasonal and other time/area proposals	Dynamic Management	Consider restrictions in which no gillnet is to be set within 3 nautical miles of a right, fin or humpback whale, and that if any of those species move within 3 nautical miles of the fishing vessel, the gillnet must be immediately removed from the water.
Seasonal and other time/area proposals	Dynamic Management	In coordination with relevant agencies, experts, and stakeholders, develop a near real-time monitoring and mitigation system capable of detecting and alerting vessels, stationary platforms, and enforcement agencies of the location of large whales on a near real-time basis, informing sector-specific mitigation protocols that can effectively reduce take of large whales, and continually integrate improved technology.
Seasonal and other time/area proposals	Dynamic Management	The U.S. dynamic management system should be modeled after similar systems currently being effectively used (ex. Canadian snow crab fishery in Gulf of St. Lawrence, California Commercial Dungeness Crab) to reduce co-occurrence of right whales and trap/pot gear that can result in entanglement.
Other Stressors	Ship Strikes	Expand the application of speed limits to vessels smaller than 65 feet in length.
Other Stressors	Ship Strikes	Vessel strike significant component to serious injury and mortalities to large whales and should be of equal priority for agency.
Other Stressors	Ship Strikes	Address the low compliance with current regulations of large vessels in the Mid-Atlantic and Southeast around port entrances through targeted enforcement and outreach in these areas.
Other Stressors	Ship Strikes	Implement fines for non-compliance of speed vessel regulations.
Other Stressors	Ship Strikes	Alter shipping routes to avoid congregations of whales. Congregating whales should be monitored in real time through tagging and that information should be available to passing vessels and fishermen.
Other Stressors	Ship Strikes	Examine use of deterrents to keep whales clear of shipping lanes.
Other Stressors	Ship Strikes	Expand the timing and location of seasonal management areas in the Mid-Atlantic and Southeast to reflect recent shifts in right whale distribution and emerging sources of vessel strike risk. Strengthen the current dynamic management measures by making them mandatory and applying them to all right whale detections outside of the seasonal management areas.
Other Stressors	Ship Strikes	Voluntary slow zones are not working and must be transformed to mandatory slow zones with significant enforcement efforts to ensure compliance.
Other Stressors	Climate Change	Climate change and regime shifts make it difficult to stay in fishery.
Other Stressors	Climate Change	Climate change impacts combined with the risk of entanglement will continue to harm Right Whales.
Other Stressors	Offshore Wind Development	Concerned about offshore wind development in the Atlantic Ocean considering that fisheries face heavy regulations within the same areas.
Other Stressors	Offshore Wind Development	NOAA has ignored mortalities caused by vessel strikes caused by wind, oil, and mineral company survey boats.

Topic Area	Sub Category	Specific Comment Component
Other Stressors	Offshore Wind Development	Offshore wind development will have a far greater impact on NARWs than commercial fishing has or will. Altering the physical and biological state of an ecosystem will have an indelible deleterious effect to this species and many others.
Other Stressors	Food Availability	[Ocean] acidity is killing a high percent of plankton as well as fish eggs and larvae that baleen whales rely on for food.
Other Stressors	Food Availability	Will the issue of inadequate feed be considered? Adult Right Whales are a foot shorter, indicating poorer feeding. Are pollutants reducing copepod numbers?
Other Stressors	Food Availability	Climate change is impacting abundance and distribution of zooplankton species, including the prey of NARWs, the calanoid copepod (Calanus finmarchicus). Even a moderate change in NARW prey can negatively impact NARW fitness. NARWs are venturing into new areas in search of food, increasing the risks of fishing gear entanglement and vessel strike as the whales move into areas without protections in search of prey.
Other Stressors	Plastic Pollution	Safeguard the whales by eliminating the plastic netting and plastic from the ocean.
Other Stressors	Compounding Stress	Emphasizes that this is a serious animal welfare issue. Entanglement not only interferes with swimming and feeding, it can lead to chronic infections, damage to blubber, muscle and bone, and starvation. Suffering can be prolonged, and whales have known to die weeks or even months after the initial entanglement event.
Other Stressors	Compounding Stress	Chronic and systematic entanglements that don't lead to immediate or even protracted mortality can still have sub-lethal impacts on the health of individual right whales, reducing their ability to eat, breed, and produce young. These sub-lethal impacts from entanglement contribute to poor body condition and shorter and smaller whales, leading to lower birth rates and higher risk of subsequent lethal entanglements.
Other Stressors	Compounding Stress	After becoming entangled, whales can either drown immediately or die slowly over time from their injuries, oftentimes dragging the heavy gear for extended periods of time. Dragging gear reduces a whale's ability to swim and feed, increasing the risk it will starve to death or die from other human stressors like vessel strikes. Becoming entangled can also increase a whale's stress levels, which can exacerbate injuries and inhibit healing
Other Stressors	Compounding Stress	Ensure that the remaining whales are able to migrate, hunt and mate in peace without entanglement, ship collisions, disruption from noise, vibrations obstructing communication with each other and altering natural behaviors that are essential to their existence.
Other Stressors	Compounding Stress	Examine overall risks to right whales in the context of increasing ocean noise and climate change, as well as other emerging threats (warming, acidification, the collapse of the food chain, disruption of migrations, plastic pollution, and oil spills). Additional stress and displacement resulting from any of these activities is likely to exacerbate the risks to right whales already posed by fisheries.
Relevant Regulatory Statutes	Length of Regulatory Process	Agency has been addressing this issue over the last 20 years, and the whales need this law in three months to save them.

Topic Area	Sub Category	Specific Comment Component
Relevant Regulatory Statutes	Length of Regulatory Process	Because of the delays in implementation and the reduced benefits of the final rule in Phase 1, the measures to be implemented in Phase 2 need to be broader and stronger.
Relevant Regulatory Statutes	Bi-Op / Conservation Framework	NMFS' Proposed Rule and Conservation Framework plan to undertake a four-phase rulemaking over a period of ten years to reduce mortalities and serious injuries ("M/SI") to below PBR illegally prolongs the required reduction in M/SI for this species under the MMPA. Agency's reliance on the Framework to reach a "no jeopardy" finding in its associated Biological Opinion violates the ESA.
Relevant Regulatory Statutes	Bi-Op / Conservation Framework	NMFS Biological Opinion illegally relies on the uncertain future measures in the Framework to find no jeopardy to NARWs. NMFS should immediately withdraw and revise the Framework so that it aligns with the agency's requirements under the law.
Relevant Regulatory Statutes	Bi-Op / Conservation Framework	Concerned that in implementing the Conservation Framework over a 10-year period, NMFS will not approach a risk reduction for all fixed gear fisheries of "up to" 87 percent until 2030.
Relevant Regulatory Statutes	Bi-Op / Conservation Framework	In its ESA section 7 draft Biological Opinion on fisheries that impact North Atlantic right whales, NMFS' acknowledges rate of human-caused serious injury and mortalities to North Atlantic right whales has exceeded PBR during a sustained period of population decline This level of take is clearly unsustainable and a violation of the Agency's mandate under both the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).
Relevant Regulatory Statutes	Bi-Op / Conservation Framework	Without immediate and significant action under the MMPA and other statutes, including meeting the mandate of "no jeopardy" under the Endangered Species Act ("ESA"), the extinction of the species is almost certain.
Relevant Regulatory Statutes	NEPA	Disconnect between [what is said] in the scoping process and what is implemented within the regulations. [Members of the public] do not have an impact in this process.
Relevant Regulatory Statutes	NEPA	Work with state agencies on gear marking, trap trawls and other regulatory measures.
Relevant Regulatory Statutes	NEPA	Would like the opportunity to provide public comment and state their concerns in person.
Relevant Regulatory Statutes	NEPA	Fully consider any reasonable alternatives that address the Purpose and Need of the action to reduce takes to below PBR. Specifically, the agency must not arbitrarily reject management alternatives without cause or because of perceived unpopularity with stakeholders.
Relevant Regulatory Statutes	NEPA	Considering public input is essential to decision making, especially when a large industry such as fishing is involved.
Relevant Regulatory Statutes	NEPA	The decision by a Maine judge to stop the closure that was to be put in place in mid-October 2021 in offshore Maine waters will continue to further risk right whales as they have been observed in Gulf of Maine waters in the Fall of 2021 by opportunistic reports. Also, considering the importance of this closure in the co-occurrence model and the decision support tool assessment, the loss of this closure suggests that NOAA can no longer legally authorize this fishery.

Topic Area	Sub Category	Specific Comment Component
Relevant Regulatory Statutes	MMPA / ESA	NOAA can no longer avoid its responsibility under the MMPA to protect and restore NARW populations, while whales are killed by entanglement in lobster/crab gear and gillnets, or by ship strikes due to failure to enforce and extend seasonal closures and vessel speed limits.
Relevant Regulatory Statutes	MMPA / ESA	The public would like to know more about section 7 and how management is addressing the overlap between offshore wind development and critical whale habitat that are closed (or closely regulated) to the fishing industry
Relevant Regulatory Statutes	MMPA / ESA	Make sure that East Coast gillnet, lobster, Jonah crab, and Atlantic mixed-species trap/pot fisheries comply with the Marine Mammal Protection Act and the Endangered Species Act.
Consequences for Takes	Consequences for Takes	Opposition to implementing consequences for entanglements given challenges in attribution [despite compliance]
Canada	Canada	Recent trends in Canadian waters interactions with right whales must be a top consideration when setting US conservation targets. Actions taken outside of US waters will greatly impact the future of fixed gear fisheries in the US. Requests that NMFS use every tool at its disposal to ensure protections for right whales in Canada.
Emergency Action	Emergency Action	Implement Emergency Action to prevent M/SI during Phase 2 Rulemaking.
Emergency Action	Emergency Action	NMFS must implement a Phase 2 Rule that reduces entanglement risk for right whales by 95 percent in all U.S. fisheries and brings M/SI essentially to zero. In the interim, NMFS must act immediately with emergency action implementing meaningful protections that bring M/SI in the American lobster fishery to zero while they complete Phase 2 Rulemaking.