



International Game Fish Association

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October 26, 2022

Ms. Janet Coit
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
1315 East West Highway
Silver Spring, MD 20910

Re: Proposed North Atlantic Right Whale Vessel Strike Reduction Rule

Dear Administrator Coit:

The International Game Fish Association (IGFA) is a non-profit organization focused on the conservation of fish and the promotion of ethical and sustainable fishing practices. We are submitting this comment with respect and understanding that something needs to be done to protect North Atlantic Right Whales. Upon examination of the most recent stock assessment for the species, it is clear the North Atlantic Right Whale is on the precipice of extinction; however, it is not evident that slowing vessels between 35ft and 65ft down to 10 knots would significantly prevent the species' further decline in the face of diminished birth rates, low population size, and other anthropogenic interactions such as entanglement. Additional to the lack of effectiveness of the proposed speed restrictions, the gross miscalculations relative to the risk of recreational vessel strikes and impact of the rule need to be addressed before moving forward with implementation of regulations.

The uncertainty in North Atlantic Right Whale densities used to feed the risk assessment model is concerning. A technical memo produced by NMFS states "the highest densities predicted along the mid-Atlantic may not be realistic." As this risk assessment was used as a primary tool in the rule development, it would be irresponsible to ignore the extent of the density bias moving forward.

The probability of a recreational vessel striking a whale has also been vastly overestimated due to inappropriate model parameters for vessel draft estimates. The model assumes a 10m draft depth when calculating vessel strike risk. A static 64ft sportfishing boat draws 1.7m while a 35ft center console has a static draft of 1.01m. While underway, these vessels are designed to plane which significantly decreases the draft of the vessel. None of the recreational vessels impacted by the rule draw anywhere near 10m with nearly all sportfishing boats from 35-65ft drawing less than 2m thus the assumption that there is a vessel strike risk deeper than 2m is not accurate.

In states impacted by the proposed speed restriction, the NMFS Marine Recreational Information Program indicates a minimum 5.1 million trips were taken by vessels between 35ft and 65ft since 2008. That number of trips is likely a gross underestimate yet still indicates the likelihood of striking a whale is significantly less than one in a million for vessels in that size range. Furthermore, the NEPA environmental analysis suggests 9,200 recreational vessels will be impacted by the proposed rule where the vessels registered in 2021 numbered over 63,000. The gross underestimate of the number of impacted vessels, anglers, and boaters indicates the economic impact of the rule is likely much more substantial than what has been reported by NOAA.

There is also a misrepresentation of the overlap of temporal speed restrictions with recreational fishing seasons. The assumption of the proposed rule that colder weather and rougher sea conditions

result in decreased boating activity needs to be further explored as several recreationally important species are targeted during the timing of the proposed expanded speed zones.

The IGFA is concerned that the proposed rule will neither be enforceable nor feasible from an administrative perspective given the limitations of AIS on vessels smaller than 65ft and the spatial extent of the enforcement area. The IGFA is also concerned that the voice of the relevant stakeholders, especially the fishing and boating community, has not been appropriately considered in the planning of this rule.

Based on the concerns raised above, the IGFA recommends pausing the rule until further analysis can be done and alternative, more appropriate, regulations can be developed. The IGFA, as a voice of the recreational fishing community, offers to collaborate with NOAA on alternative means to achieve the much-needed conservation goals for North Atlantic Right Whales, but our organization cannot support the rule as it currently stands.

Sincerely,



Jason Schratwieser
IGFA President