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October 11, 2022

Via email: marisa.trego@noaa.gov

Ms. Marisa Trego
Atlantic Large Whale Take Reduction Team Coordinator
Greater Atlantic Region
National Marine Fisheries (NMFS)

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RE: Georgia Conservancy Comments on Taking of Marine Mammals Incidental to Commercial Fishing Operations; Environmental Impact Statement, Atlantic Large Whale - Take Reduction Plan Amendment, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Notice of Intent No. NOAA-NMFS-2022-0091

Dear Ms. Trego:

The Georgia Conservancy is pleased to provide comments regarding the NMFS's Notice of Intent to prepare an Environmental Impact Statement (EIS) to amend the Atlantic Large Whale Take Reduction Plan (Plan) to further reduce the risk of mortalities and serious injuries of North Atlantic right whales. The members of our organization, along with residents across the state of Georgia, have a strong interest in the North Atlantic right whale (*Eubalaena glacialis*) ("right whale"), which spends part of each year off of our shores. As our State Marine Mammal, the North Atlantic right whale is a beloved and essential part of our Georgia and South Atlantic marine ecosystem. Protecting this species is of utmost importance to our community.

Founded in 1967, the Georgia Conservancy is one of Georgia's oldest nonprofit conservation organizations. Working to protect our coast for more than 55 years, the Georgia Conservancy is a statewide conservation organization whose goal is to develop practical solutions for protecting Georgia's environment. We establish policy decisions under a vision statement that seeks to cultivate *a Georgia where people and the environment thrive*. In the 1980's, Georgia Conservancy staff played a role in discovering the then-unknown calving grounds off our shore. Since that time, this iconic animal has been a focus of our organization's conservation outreach and advocacy.

North Atlantic right whales are critically endangered, with only an estimated 336 alive at the end of 2020. Since 2017, 54 *known* right whale deaths, or injuries so severe that they are presumed dead, have been documented. Right whales are not dying of natural causes – they are hit by moving vessels or entangled in commercial fishing lines that connect traps on the seafloor to buoys at the water's surface. Scientists estimate that 85% of right whales have been entangled at least once, and over 50% of right whales have been entangled multiple times. Once

entangled in vertical buoy lines, whales may drown or drag and swim with attached gear for long distances, ultimately resulting in fatigue, compromised feeding ability, or severe injuries that lead to reduced reproductive success and painful, protracted deaths. However, there is a solution - right whale population can rebound if we act to lower human-caused deaths using updated science and new fishing technologies.

The recently adopted Plan, which was prepared to reduce the risk of mortalities and serious injuries of North Atlantic right whales (*Eubalaena glacialis*) and other large whales caused by incidental entanglement in commercial trap/pot and gillnet fisheries along the U.S. East Coast by 60% was found to be inadequate to reduce mortalities and serious injuries to below the Population Biological Removal (PBR) level. The National Marine Fisheries Service (NMFS) is now proposing to prepare an EIS to amend the Plan to reduce risk of mortalities or serious injury to North Atlantic right whales in the northeast commercial lobster and crab trap/pot fisheries by 90%.

Georgia Conservancy fully supports amending the Plan to further reduce mortalities and serious injuries to right whales by including measures that address the urgent need to remove vertical buoy lines from the water in areas that right whales are using for feeding, breeding, and migration. Additional consideration should be given to the following:

- Closures to trap/pot and gillnet vertical buoy lines throughout the East Coast should be based on the best available science, including recent and historical sightings, acoustic data, and prey data.
- In some months of the year, a significant portion of federal waters may need to be closed to vertical lines.
- NOAA Fisheries should implement dynamic management measures that keep pace with the rate of ecosystem change. This includes continuous monitoring of right whales, as well as relevant ocean conditions to better forecast right whale presence and allow NOAA to make real-time decisions regarding closures.

In addition, particular attention should be paid to on-demand fishing systems (also called ropeless), which allow fixed-gear fishermen to fish within areas closed to traditional fixed fishing gear. NOAA Fisheries must help advance the market for on-demand technologies by streamlining the permitting process for on-demand fishing trials, providing additional opportunities for financial assistance, and leading the industry in conversations around interoperability among on-demand fishing systems.

We realize that these additional regulations will likely create economic impacts on fishermen and their communities. We support the consideration of financial assistance for these fisheries and communities to allow them to maintain their livelihood while also protecting our marine ecosystem. Investing in longer-term adaptations (technology and fishery practices) will once more place the right whale on a trajectory to becoming a truly viable population. Hopefully, this approach will encourage a future where local fisheries prosper while protecting our stock of whales from entanglement.

Additionally, improvements in stock assessment and support for science related to right whale conservation are very much needed. We hope for additional funding from legislation such as the proposed". This bill requires NOAA to provide financial assistance for projects designed to reduce the lethal and sub-lethal effects of human activities on North Atlantic right whales and to conduct surveys of plankton on an ongoing basis using a continuous plankton recorder.

The Georgia Conservancy has been involved with North Atlantic right whale conservation issues for nearly 40 years. Stewardship of our iconic state marine mammal is a legacy for the Georgia Conservancy, and while the much of the additional regulations may be directed to New England fisheries, there are notable opportunities to make changes in Southeastern U.S. fisheries that would reduce rope entanglements as well. By way of example, the Georgia Conservancy seeks to support the early, promising work being done in Georgia to adapt ropeless gear in the black sea bass fishery.

With less than 350 right whales left and deaths occurring at a rate that far exceeds the PBR level, there is an imperative to approve strong regulatory changes and to do more across the entire migration range, from the Southeastern shores to New England and Canadian waters. As currently written and implemented, the Plan does not meet the threshold of strength needed to support this critical species.

We look for an informed and comprehensive process to amend this Plan to ensure the survival of the North Atlantic right whale.

Sincerely,

GEORGIA CONSERVANCY



Courtney Reich, AICP, CFM
Coastal Director



Katherine Moore
President