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October 16, 2026

VIA Federal eRulemaking Portal (http://www.regulations.gov)

Kimberly Damon-Randall
Director, Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Comments of the Maine Lobstermen's Association in Response to NMFS's Notice of Intent to Prepare an EIS re Potential Amendments to Atlantic Large Whale Take Reduction Plan, NOAA-NMFS-2025-0041

Dear Ms. Damon-Randall:

The Maine Lobstermen's Association, Inc. ("MLA") submits these comments in response to the National Marine Fisheries Service's ("NMFS") notice of intent to prepare an environmental impact statement ("EIS") regarding potential amendments to the Atlantic Large Whale Take Reduction Plan ("TRP"). 91 Fed. Reg. 53,231 (Aug. 17, 2026) (the "Notice"). MLA is Maine's oldest and largest fishing industry organization representing Maine lobstermen. For more than 70 years, MLA has advocated for a sustainable lobster resource, and the fishermen and communities that depend on it, through policy, advocacy, education, resource stewardship, and collaborative research.

Although MLA appreciates NMFS seeking public input on a potential rulemaking to amend the TRP, NMFS's consideration of such amendments is premature because the agency has not performed the comprehensive reassessment required by *MLA v. NMFS*, 70 F.4th 582 (D.C. Cir. 2023). In that decision, the D.C. Circuit Court of Appeals held that "[a]ll of the assumptions" underlying NMFS's previous analysis of fishery impacts on right whales were "tainted by the presumption in favor of the species," and thus unlawful. *Id*. at 600. The TRP is based on that previous unlawful analysis. Accordingly, NMFS must *first* perform a new, lawful analysis of fishery impacts and *then* determine whether the TRP should be modified, at which point development of a proposal for public input and scoping may be appropriate. Because the current TRP is based on overly conservative, precautionary assumptions, MLA is confident that a new, lawful analysis will support the removal or modification (lessening) of some of the current TRP

measures. Until that required new analysis is completed, MLA objects to the addition of *any* new measures to the TRP.

No one—least of all Maine lobstermen—wants to see a right whale harmed. But measures based upon biased assessments of fishery impacts with a precautionary thumb on the scale are neither reasonable nor lawful, as the D.C. Circuit Court held in no uncertain terms. Nor are such measures effective because they mitigate phantom risks, not real-world impacts. To the extent a new, lawful analysis suggests additional or modified measures are required, they must reflect flexible management approaches that are safe, cost effective, and consistent with the tenets of Maine's successful, well-established fishing practices and owner-operator business model.

THE MAINE LOBSTER FISHERY

The Maine lobster fishery is integral to Maine's culture, heritage, and economy. The future of many of Maine's coastal communities, and economic opportunities for children growing up in those communities, depends on the fishery's continued success. The fishery is the economic backbone of Maine's coastal communities, accounting for roughly 75% of the value of Maine's commercial fisheries and supporting an estimated 17,500 jobs and $2 billion in economic activity throughout the fleet and shoreside supply chain. The fishery's importance extends well beyond Maine, supporting seafood businesses, restaurants, tourism, and communities throughout the region and across the country.

COMMENTS

NMFS's approach to assessing fishery impacts on North Atlantic right whales has been fundamentally wrong and unlawful for years. Despite extremely low levels of observed right whale interactions in the Maine lobster fishery (just one non-serious injury and one mortality over more than two decades), NMFS has built a complex, costly management plan based on a series of unsupported assumptions that ultimately attribute a large number of never-observed right whale deaths to the lobster fishery. That unlawful methodology begins with NMFS assuming that all whale deaths (observed or not) occur at the hands of humans—and only by fishery interaction or vessel strike. NMFS then applies more arbitrary, biased assumptions about the origin and type of take and assigns all theoretical U.S. fishery takes to the lobster fishery. NMFS derives its U.S. fishery mortality and serious injury ("M/SI") estimate based on those phantom takes and compares that inflated metric to an estimated potential biological removal rate ("PBR") for right whales that is also based on overly precautionary inputs. This heavily biased approach makes the impact of the lobster fishery on the right whale population appear far worse than the best available data demonstrate.

With those hypothetical numbers in hand, NMFS then develops a "risk reduction" target based on how much the artificially inflated M/SI metric exceeds the artificially deflated PBR metric. To meet that target, NMFS applies a "decision support tool" model (the "DST") that purports to measure fishery "risk" based on whether and when the model predicts right whale and various types of fishing gear "co-occurrence" within large blocks of the ocean (one to 10 square nautical miles in area) on a monthly or seasonal basis. And because the DST only predicts the "risk" from such "co-occurrence," it will *always* overestimate fishery *impact*. The Marine Mammal Protection Act ("MMPA") measures fishery impact by the *take* actually caused by a fishery, not

by fishery *risk*, much less hypothetical "risk" based on precautionary modeling. But NMFS ignores MMPA requirements by using the DST to identify and assess new measures, such as closures and weakening rope, one on top of the other, until the DST predicts that "risk" is reduced to meet NMFS's artificial target. NMFS then saddles fisheries with those "risk prevention" (not "take reduction") measures, regardless of the economic, operational, or safety impacts of doing so. None of this has ever been lawful.

Fortunately, NMFS's arbitrary and precautionary approach was outlawed by the D.C. Circuit Court of Appeals in *MLA v. NMFS*. But a lawsuit should not have been necessary to realign NMFS to what the law requires. There is no rational reading of the MMPA that supports NMFS's precautionary, "risk"-based approach to regulating fishery impacts on right whales. That unlawful approach is the product of agency staffers and decision-makers—goaded by environmental activists and entrenched by misguided policies—applying a "precautionary" mindset to all MMPA decisions, analyses, and assumptions over a period of decades. But now that the legal framework has been properly reset, NMFS must change its approach, perform a lawful analysis of fishery impacts, and only *then* determine whether amendments to the TRP are required—including whether the *removal* of current measures is warranted.

A. NMFS must perform a comprehensive new analysis of potential fishery impacts on right whales before any amendments to the TRP can be considered.

The Maine lobster fishery has been severely and unfairly affected by federal regulatory overreach stemming from NMFS's unlawful application of the MMPA and Endangered Species Act ("ESA") to the perceived—and biased—assessment of risk posed by the fishery, resulting in numerous and costly measures, including gear modification requirements and closures. This reached a zenith in 2021, when NMFS adopted a 10-year regulatory plan that, if fully implemented, would have dismantled the Maine lobster fishery. As the President recognized—on the first page of Executive Order 14303 (Restoring Gold Standard Science)—NMFS's "proposed actions could have destroyed the historic Maine lobster fishery." Fortunately, Congress intervened, and, ultimately, judicial intervention prevented that outcome, as explained below.

Additionally, as particularly relevant here, in September 2022—before the D.C. Circuit issued its opinion in *MLA v. NMFS*—NMFS began a similar scoping process to amend the TRP. 87 Fed. Reg. 55,405 (Sept. 9, 2022). Because NMFS was, at that time, attempting to prematurely act before the conclusion of the litigation, MLA's position was as follows:

> Unless and until NMFS assesses impacts of the Maine lobster fishery by using realistic assumptions consistent with observed data, (rather than "worst case" or "conservative" or "precautionary" analyses), MLA will continue to object to, and challenge as necessary, any new measures imposed on the Maine lobster fishery.[1]

Since that time, the D.C. Circuit Court ruled in MLA's favor, confirming that NMFS's precautionary approach is unlawful. And yet, NMFS is now proposing yet again to proceed on

[1] MLA comment letter dated October 11, 2022, in response to 2022 scoping notice.

the assumption that the TRP should be amended without evaluating and correcting the unlawfully precautionary approach to the TRP. NMFS has once again put the cart before the horse. It must first perform a fresh, unbiased analysis of the best available data, as required by *MLA v. NMFS*. Until that occurs, MLA's position remains unchanged from 2022.

1. The *MLA v. NMFS* decision requires a new, full analysis.

In *MLA v. NMFS*, the D.C. Circuit Court of Appeals issued a complete victory for MLA, holding that NMFS's challenged decisions were based on "egregiously wrong" assumptions and reasoning. 70 F.4th at 597-98. Specifically, MLA challenged NMFS's precautionary assumptions and analyses that supported NMFS's 2021 biological opinion and TRP rule. For example, NMFS "made certain disputed assumptions about the unknown data and the unseen deaths [and] [a]fter making th[o]se assumptions, [NMFS] concluded the fishing gear used in the lobster and Jonah crab federal fisheries kills about 46 North Atlantic right whale[s] each decade, which would decimate the right whale population in less than ten years." *Id*. at 589. In making that estimate, NMFS "put aside the data on confirmed entanglements and relied instead upon a 'scarring analysis' from a 2019 study, noting 'This approach provides the benefit of the doubt to the species and a more conservative estimate of total right whale entanglements.'" *Id*. at 589-90. To offset those assumed right whale deaths, NMFS developed a "Conservation Framework" to reduce "risk" to near zero in four phases over a 10-year period. *Id*. at 590.

Based upon those assumptions and analyses, NMFS issued its biological opinion under the ESA as well as the TRP rule "implementing the first phase of the Framework and amending the 'take reduction plan' for the right whale under the MMPA." *Id*. As the Court recognized, the TRP rule required "lobstermen to mark their ropes, add weak links or use weak ropes, and increase the number of traps they use for each 'trawl'" and "also include[d] seasonal fishing restrictions; for example, it bans fixed buoy lines from October through January in the vast restricted area of the Gulf of Maine [known as the LMA1 seasonal closure]." *Id*.

The Court rejected NMFS's precautionary approach in no uncertain terms. It explained that "statutory text and structure do not authorize the Service to 'generally select the value that would lead to conclusions of higher, rather than lower, risk to endangered or threatened species' whenever it faces a plausible range of values or competing analytical approaches." *Id*. at 599. Indeed, "[t]he word 'available' rings hollow if the Service may hold up an action agency by merely presuming that unavailable data, if only they could be produced, would weigh against the agency action." *Id*. "Besides, when the Congress wants an agency to apply a precautionary principle, it says so." *Id.*

The Court also explained that NMFS's "presumption in favor of the species" is a "blunt tool" with serious practical implications that "ignores that worst-case scenarios lie on all sides." *Id*. For example:

> It is not hard to indulge in one here: ropeless fishing technologies, weak links, inserts, and trawls may not work; permanent fishery closures may be the only solution. The result may be great physical and human capital destroyed, and thousands of jobs lost, with all the degradation that attends such dislocations. . . . We may

> reasonably expect the Congress at least to speak, not to be silent, when it delegates this power to destroy.

Id. at 599-600. The Court went on to hold that NMFS's unlawful application of the precautionary principle infected *all* of its assumptions and analyses:

> *All* of the assumptions the Service made are thus tainted by the presumption in favor of the species. Some of the assumptions the Service made along the way are quite important—as we have explained, the Service ultimately concluded the lobster and Jonah crab federal fisheries kill 46 whale deaths per decade, a staggering departure from the two documented deaths known to have originated in all U.S. fisheries over a period of nine years.

Id. at 600-01 (emphasis added).

The Court's reasoning applies to both ESA and MMPA decisions. Like the ESA, the MMPA requires NMFS to use the best "available" information. 16 U.S.C. § 1386(a). Like the ESA, the MMPA contains no language directing the agency to apply the "precautionary principle." *MLA v. NMFS*, 70 F.4th at 599 ("[W]hen the Congress wants an agency to apply a precautionary principle, it says so."). NMFS itself recently recognized that "[n]either the MMPA nor NMFS' implementing regulations include references to, or requirements for, the precautionary approach." 91 Fed. Reg. 20,784, 20,790 (Apr. 17, 2026).

Accordingly, before NMFS can consider any amendment to the TRP, it must (1) perform a new, *lawful* assessment—including, specifically, a revisitation of M/SI estimates based on the current and best available data, free of all precautionary assumptions or hypothetical "cryptic mortality" additions; and (2) start from a clean slate to reevaluate the current regulatory framework based on the current and best available data reflected in an objective assessment of likely fishery effects. As the D.C. Circuit Court recognized, "[i]f, as the lobstermen claim, the federal lobster fishery is not the problem, then the phase one rule is not the solution. No law allows the Service to keep in place a useless rule." *MLA v. NMFS*, 70 F.4th at 594.

2. NMFS's new analysis must eliminate all precautionary and biased assumptions, analyses, and determinations.

NMFS's new analysis must include revisiting all assumptions supporting NMFS's PBR, M/SI, and "risk" determinations, as well as all assumptions and inputs into any modeling NMFS continues to rely upon, such as the DST, the "Linden model," and the "Pace model."[2] Those models, to the extent NMFS continues to use them, must be updated to reflect all current best available information and eliminate any bias caused by "worst case," "precautionary," or "conservative" assumptions.[3] NMFS should provide the revised models to stakeholders for

[2] The updates to PBR and M/SI should be reflected in a new, updated Stock Assessment Report ("SAR").

[3] To be clear, it is not enough for NMFS to simply make ritualistic modifications to language unsupported by actual data as it has done in other instances. NMFS must undertake a rigorous, objective evaluation of the best available data—free of any biased assumptions—to justify modifications to the TRP.

review and input, and the revised models should be peer reviewed by independent experts, including experts from state agencies and others who are not selected by NMFS. The revised models should be further improved based upon that input.

As part of its comprehensive review and update of its assumptions, analyses, and modeling, NMFS must also address the following issues (among others):

a. NMFS currently attributes "cryptic mortality" to fisheries as M/SI. The "cryptic mortality" estimates are based on a modeling assumption that right whales that have been unobserved for six years have died at the hands of humans. But the MMPA restricts NMFS's decisions to the best *available* information. The MMPA also requires NMFS to use *fishery-dependent* data to generate M/SI estimates.[4] NMFS's "cryptic mortality" estimates are based on neither "available" data nor fishery-dependent data, as the MMPA requires. Speculative attributions of never-observed "cryptic mortality" cannot substitute for the evidence Congress required in the MMPA for assessing actual fishery impacts. NMFS's "cryptic mortality" estimates must therefore be *completely eliminated* from all future assessments and M/SI estimates. *See MLA v. NMFS*, 70 F.4th at 599 ("The word 'available' rings hollow if the Service may hold up an action agency by merely presuming that unavailable data, if only they could be produced, would weigh against the agency action.").

b. In any event, NMFS's "cryptic mortality" estimates are unreliable and directly contradicted by available data. For example, NMFS's assumption that right whales are dead if they are not observed in six years has been proven wrong. The *Maintenance of the North Atlantic Right Whale Catalog, Scarring and Visual Health Databases, WhaleMap, and Annual Anthropogenic Injury Case Studies and Near Real-Time Matching* report by the New England Aquarium (Oct. 31, 2025), on Task 8 for Biopsy Efforts, Entangled, Injured, Sick, or Dead Right Whales, identifies 53 unobserved right whales that were later observed ("resurrected") between 1990 and 2024—more than 15 per decade. Six of those were resurrected twice.

c. NMFS's presumption that all assumed right whale mortality is the result of either vessel strikes or fishing gear entanglement is baseless. That presumption ignores natural causes contributing to mortality, such as starvation, disease, old age, predation, strandings, pollution, environmental conditions, and complications during calving. To assume an animal that inhabits a massive natural habitat of tens of thousands of square miles of ocean containing predators and is exposed to other sources of natural risk never encounters such risks and never dies of old age is unscientific, myopic, and arbitrary.

[4] *See* 16 U.S.C. §§ 1386(a)(4)(B) (requiring estimate of M/SI "by each such fishery"), 1386(a)(4)(D) (requiring NMFS to report an M/SI rate "based on the appropriate standard unit of fishing effort"), 1387(a)(1) (applicable to "incidental taking of marine mammals *in the course of commercial fishing operations*" (emphasis added)), 1387(d)(1) (NMFS "shall establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations"), 1387(d)(1)(A) (requiring "statistically reliable estimates" of M/SI based on *fishery monitoring data*), 1387(d)(1)(B) (requiring use of fishery monitoring data to determine reliability of fishery self-reporting), 1387(d)(5) (allowing for alternative monitoring "of fishing activities" by vessel, airplane, or from shore).

d. NMFS's assumptions regarding right whale habitat and migratory patterns must be updated based upon the current best available data. Such data must include all new monitoring data collected by the State of Maine to differentiate between broad habitat areas and areas actually utilized by right whales.

e. To the extent NMFS extrapolates observed data to develop M/SI estimates, it must revisit its assumed allocations for entanglement versus vessel strike, country of origin, and gear type. Any such allocations must accurately and objectively reflect the best available data.[5]

f. NMFS must reconsider its reliance on scarring data to estimate right whale M/SI. Scarring on a live whale is not, by itself, evidence of serious injury or mortality. Nor are there data demonstrating that scarring alone establishes anything beyond a past encounter with a physical object, potentially including fishing gear. Most such encounters do not result in serious injury or mortality. Absent scientifically valid evidence linking scarring to serious injury or mortality, NMFS should exclude scarring data from its M/SI estimates.

g. NMFS must use *all* available right whale calving data (from years 1990 to present) when projecting right whale population sizes into the future, rather than a pre-selected, "worst case" time period that starts the year after the "best" year on record and ends with the "worst" year (as NMFS did in its last assessment).

3. After performing the required new analysis, NMFS must assess the need for existing TRP measures.

A lawful assessment, free of all precautionary assumptions, is likely to show that existing TRP measures are more than sufficient and that some restrictions are not justified once the precautionary "thumb on the scale" is removed. For example, the LMA1 seasonal closure was imposed by NMFS solely to reduce a level of "risk" based on precautionary modeling and was not presented for public review during the scoping or take reduction team ("TRT") processes for the last TRP amendment. Unless and until a new, objective analysis demonstrates a legal need for the LMA1 seasonal closure, MLA's position is that it should be eliminated. *See* Section E.3, *infra*.

Additionally, NMFS should move the boundary of Maine's exemption line to the three-mile line to reduce burdensome operational mandates on Maine lobstermen who must deploy and maintain gear compliant with regulations and gear marking for non-exempt state waters (known as the "sliver"), in addition to other state and federal regulatory requirements. The boundaries of the current exemption line are arbitrary and needlessly restrictive. In 2007, NMFS determined that Maine's state waters lobster fishery poses little risk to North Atlantic right whales, and the State of Maine's monitoring program has confirmed very low right whale presence in state waters. Finally, Zone C lobstermen have expressed interest in simplifying their trawl limits in federal

[5] The table on page 5 of NMFS's Scoping Document is highly misleading because it includes all entanglement regardless of origin. That table should be updated to indicate entanglements with known U.S. origin, known Canada origin, and unknown origin.

waters to 20-trap trawls in all areas (rather than 10-trap trawls from 3 to 6 miles and 25-trap trawls from 12 miles to the Area 3 line).

B. NMFS must supply MMPA-required information prior to any TRP amendments.

The current North Atlantic right whale SAR reports all cases of observed M/SI by country (U.S., Canada, and unknown) but says that "[t]here is currently insufficient information to apportion the estimated total right whale mortality to that occurring in U.S. waters." SAR at 25. NMFS's continued failure to estimate M/SI by each fishery violates the MMPA and ignores the best available information.

NMFS has claimed it must "take[] a conservative approach to not apportion injury by fishery or areas where data are unavailable." 88 Fed. Reg. 54,592, 54,595 (Aug. 11, 2023). The MMPA provides no such exception. Instead, the statute requires that NMFS, in a SAR, "shall" describe "the estimated level of incidental mortality and serious injury of the stock *by each such fishery* on an annual basis." 16 U.S.C. § 1386(a)(4)(B) (emphasis added). NMFS is also required to describe "seasonal or area differences in such incidental mortality or serious injury," which is obviously essential for accurately assessing impacts on a far-ranging migratory species by numerous different sources, including, most notably, foreign fisheries. *Id*. § 1386(a)(4)(C). NMFS has not complied with these requirements.

Even worse, by lumping Canadian and U.S. fisheries together in the annual summaries presented in Table 2 of the SAR, NMFS misleads the public with the implication that all of these injuries are attributable to U.S. fisheries and belies the significance of the greater number of M/SI incidents known to have occurred in Canadian fisheries. Given the administration's expressed policy to "restore American seafood competitiveness,"[6] it is baffling that a federal agency would go to such lengths to falsely portray an American fishery to the benefit of foreign fisheries.[7]

NMFS must describe the observed M/SI *by fishery* for each year of the relevant five-year reporting period, as required by the MMPA. Specifically, Table 2 of the SAR should include summarized data concerning the country of origin of right whale entanglements during the relevant time period, taking into account scientific observations of entangling gear and the differentiating attributes of that gear, such as rope diameter and strength, which influence comparative lethality, and describe the differences between the conservation programs and relative effectiveness of measures to protect right whales in each country.

Additionally, Section 117 of the MMPA requires a SAR to "describe commercial fisheries that interact with the stock," including the following:

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[6] *See* Exec. Order No. 14276 (2025) (Restoring American Seafood Competitiveness), https://www.whitehouse.gov/presidential-actions/2025/04/restoring-american-seafood-competitiveness/.

[7] NMFS does the same thing on its "unusual mortality event" website, where NMFS wrongly leads the public to believe that Canada entanglements first sighted in U.S. waters were caused by U.S. fisheries. NOAA Fisheries, North Atlantic Right Whale Causes of Death for Confirmed Carcasses (July 2026), https://www.fisheries.noaa.gov/s3/2026-07/north-atlantic-right-whale-causes-of-death-for-confirmed-carcasses-si-morbidity-and-multiple-injury-tables-combined_10july2026revised.pdf.

> (A) the approximate number of vessels actively participating in each such fishery;
>
> (B) the estimated level of incidental mortality and serious injury of the stock by each such fishery on an annual basis;
>
> (C) seasonal or area differences in such incidental mortality or serious injury; and
>
> (D) the rate, based on the appropriate standard unit of fishing effort, of such incidental mortality and serious injury, and an analysis stating whether such level is insignificant and is approaching a zero mortality and serious injury rate.

16 U.S.C. § 1386(a)(4). NMFS has also failed to comply with these requirements for lobster and other trap/pot and fixed-gear fisheries. As a result, the public has no information about the fisheries that interact with right whales and the levels, types, and seasonal and geographic patterns of entanglement that occur within and among those fisheries.[8]

NMFS cannot lawfully amend the TRP—let alone initiate a TRT in the first place—without providing the information required by the MMPA. Indeed, the decisions to form a TRT and to implement a TRP must be based on *fishery-specific* determinations, including the information required in the MMPA sections identified above. *See* 16 U.S.C. § 1387(c), (f).

C. NMFS's sole reliance on the DST has caused the imposition of unsupported and unnecessary TRP measures.

NMFS has stated, correctly, that the DST is "only one tool in the toolbox." However, in practice, NMFS's push for a 90% risk reduction across all fixed-gear fisheries in 2022 was driven *entirely* by the inputs to and outputs of the DST, including the input of worst-case scenarios in the right whale population projection model and the precautionary assumptions, including the addition of "cryptic mortality," underlying the M/SI estimates. For the reasons stated above, unless and until all worst-case, precautionary, or conservative assumptions are removed from the DST (and the models and estimates the DST relies upon), it is inappropriate and unlawful for NMFS to use the DST. And, once that occurs, several other improvements are necessary.

As described above, even with the precautionary assumptions removed, any DST outputs will *always* overestimate fishery impacts because the DST only predicts "risk" based on the "co-occurrence" of fishing gear and whale presence within an area ranging from one to 10 square miles. The MMPA does not require NMFS to reduce "risk"—it requires NMFS to reduce "take." Just because a whale and fishing gear may "co-occur" within the same large area of the ocean does not mean that a take will occur or that it is even likely to occur. The MMPA provides no authority to NMFS to impose burdensome measures to eliminate "risk." Although an objective

[8] In its responses to comments on the draft 2022 SAR, NMFS claimed that the statutorily required information is provided in "Appendix 3—Fishery Descriptions." 88 Fed. Reg. at 54,595. But no such appendix is provided in the SAR. Nor is that information included in the fishery descriptions in the List of Fisheries, as NMFS has also incorrectly claimed. *Id.*

evaluation of "risk" may inform decisions, it must be considered with the recognition that fishery "risk" is a far more conservative metric than fishery "take."

Relatedly, although NMFS has characterized the DST as a "tool," that tool became the *de facto* decisionmaker in the regulatory process leading to the current TRP. NMFS considered no solutions unless they were generated through the DST and deemed inadequate any DST scenarios that fell short of the arbitrary and overly conservative "risk reduction" goal. Congress did not intend for TRT recommendations to be pigeonholed into a single, flawed model that produces overly conservative estimates of fishery impacts. The DST may be a useful tool, so long as all precautionary assumptions are removed and the tool is applied with the recognition that, by design, the DST will *always* significantly overestimate fishery impacts because it assesses the likelihood of "risk," not "take."

D. The Notice is premature under NEPA.

The Notice is premature because there is currently no "proposal." Under the National Environmental Policy Act ("NEPA"), a "proposal" means "a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects." 42 U.S.C. § 4336e(12). For the reasons described above, NMFS does not and cannot know its "goal" until it performs the required new analysis. NMFS should therefore conduct a new scoping process after it has performed the required new analysis and has identified a goal.

With that said, any NEPA process to inform an amendment to the TRP (should such an amendment be required) must provide a comprehensive assessment of the baseline that includes all, newly available information, along with information the agency has refused to consider in the past. Among other things, that assessment must include an objective evaluation of right whale abundance trends and fishery mitigation measures that have been implemented over the past three decades. The North Atlantic right whale population increased almost threefold over most of the last century, after commercial whaling was curbed and during which the American lobster fishery continued to operate (at high levels of effort). In 2017, an "unusual mortality event" was declared based on entanglements and vessel strikes occurring primarily in Canadian waters, after which the population declined. And despite low levels of interactions with U.S. fisheries, NMFS imposed numerous and extensive measures on U.S. fisheries for the last 15 years. All of that plainly informative data must be disclosed and assessed in a draft EIS.

NMFS also has yet to perform any unbiased, comprehensive assessment of the effectiveness of the mitigation measures that have already been implemented in the lobster fishery. Nor has NMFS objectively assessed the fact that the right whale population nearly doubled during a time in which the U.S. lobster fishery was fully active—and, in fact, reached its peak fishing effort—and only began a decline after its migration patterns pushed into Canadian waters. These important baseline assessments must also be presented in any draft EIS, along with a comprehensive and objective assessment of all potential sources of impact to right whales, including vessel strikes and Canadian fisheries.

In addition, any draft EIS must include a thorough evaluation of all social and economic impacts that are likely to result from any contemplated TRP amendments, particularly in light of the

current challenges facing U.S. fisheries, such as uncertainty associated with trade policy, inflation, higher prices for most goods and services softening consumer demand, and significant increases in the cost of operations. The draft EIS should also include a detailed analysis of all the economic impacts to the State of Maine, Maine communities, and individuals resulting from gear modification and any reduced or eliminated fishing opportunities caused by a rulemaking. It also must include an assessment of the social impacts resulting from the outmigration of individuals from the Maine lobster fishery and Maine communities who are put out of business as a result of any new regulations.

Finally, as indicated above, a new assessment is likely to demonstrate that the TRP is more than sufficient and that reductions in measures are necessary and appropriate. Accordingly, the draft EIS should include alternatives proposing to amend certain TRP measures, such as eliminating the LMA1 seasonal closure and shifting the Maine exemption line to the 3-mile line. The socio-economic benefits of those alternatives must also be disclosed and analyzed in the EIS. Another scoping period will be necessary after NMFS has performed and disclosed its new analysis to allow the public to provide meaningful input on the development of alternatives based on that new analysis.

E. Responses to topics presented in the Notice.

For reasons explained above, the Notice, and the questions posed in the associated Scoping Document, are premature. With that said, MLA provides some preliminary views on the topics presented by NMFS, as follows.

1. Effort reduction.

There is no basis for effort reduction to protect right whales. MLA is firmly opposed to any effort reduction without a convincing demonstration, based on a new, lawful analysis, that effort reduction is required. MLA is confident that a lawful analysis will demonstrate there is no basis for effort reduction to protect right whales.

2. Reducing rope on surface.

As far as MLA is aware, there is no demonstration of risk posed by ropes other than those currently regulated under the TRP. With that said, MLA is open to exploring changes to surface rope configurations on a *voluntary* "best practices" basis, accounting for localized safety concerns, such as the need to keep gear in place downeast due to very strong bottom currents.

3. Closures.

MLA is firmly opposed to any new closures without a convincing demonstration, based on a new, lawful analysis, that such closures are required. MLA is confident that such an analysis is likely to demonstrate that some closures—such as the LMA1 seasonal closure—are no longer required and must be eliminated, and that no new closures are warranted.

To the extent a new, lawful analysis demonstrates that a likelihood of take (not "risk") in certain areas is high enough to exceed MMPA standards, then, in lieu of static closures, NMFS should consider flexible, dynamic management in those areas implemented by the states in direct

cooperation and coordination with local fishermen. Dynamic approaches in those areas should account for safety and operational realities and leverage existing technology, gear, and fishing methods—such as removing an endline—to avoid potential entanglement when significant aggregations of right whales are present in discrete areas.

In fact, pragmatic, dynamic management has already worked. In the winter of 2025, when 96 right whales were detected in and around Jeffrey's Basin in federal waters, Maine lobstermen voluntarily altered gear deployment based on real-time information communicated by Maine's Department of Marine Resources ("DMR") about whale presence. Using new and expanding monitoring capabilities made available by Maine DMR programs, they removed endlines, avoided shifting gear into whale aggregation areas, or removed gear when conditions allowed. To date, with the vast majority of whales resighted, none have been observed entangled. In 2026, Maine DMR deployed a real-time glider and detected zero right whales in that same area.

Sufficient monitoring will be necessary for areas subject to dynamic management. Since NMFS imposed the LMA1 seasonal closure, it has performed *zero* monitoring in that area. That is unacceptable. Monitoring can be carried out relatively efficiently and inexpensively. For example, the State of Maine deployed a real-time glider in 2026 to monitor for right whales during the Jeffrey's Basin experience described above. Any new EIS must identify and examine alternatives that include dynamic management in place of static closures, along with necessary monitoring and resources to support it. And as stated above, any new EIS must include alternatives that propose the elimination of existing closures that are unsupported by a lawful analysis.

4. Weak rope and weak links.

The implementation of weak rope and weak links has proven costly and burdensome for the Maine lobster fishery. Manufacturing of such gear has been insufficient in some instances and some weak links break prematurely and unpredictably with very little force (and no whale entanglement), which presents safety concerns. Furthermore, lobstermen are still learning how often they need to be replaced. For all the reasons explained above, MLA does not support the imposition of any new requirements for weak rope or weak links.

5. Gear marking.

Current gear-marking requirements are sufficient. MLA does not support the imposition of any new gear-marking requirements.

6. Wet storage.

MLA acknowledges that wet storage is an important issue that requires more consistent enforcement at the state level. Although there may be instances when gear cannot be hauled in a timely manner, such as during prolonged poor weather events, gear should generally be deployed only when it is actively fished. MLA supports strengthening enforcement of the current requirement.

7. Ropeless gear.

MLA opposes any requirement to fish ropeless gear in Maine's lobster fishery. In that vein, MLA appreciates Assistant Administrator Piñeiro Soler's recent confirmation that NMFS "will not mandate the use of ropeless gear."[9] As explained above, NMFS must first perform a new, lawful analysis of fishery impacts to determine whether there is any basis for continued closures. Only then can NMFS lawfully evaluate whether additional measures are necessary and, if so, consider flexible, innovative approaches that protect right whales while minimizing impacts on the lobster fishery.

Maine lobstermen have demonstrated that broad, permanent closures or costly ropeless fishing mandates are not necessary to protect whales. A flexible management approach using traditional gear is far preferable to one that is unproven under normal commercial conditions in the fishery, creates serious safety and operational concerns, will price lobstermen out of business, and will upend Maine's diverse small boat fleet. Ultimately, the lobster industry needs flexible management approaches that are safe, cost effective, and consistent with the tenets of Maine's successful, well-established fishing practices and owner-operator business model.

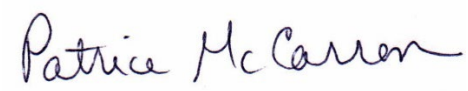
For additional details regarding MLA's views on ropeless gear, MLA has attached its comment letter in response to NMFS's recent request for information on ropeless fishing, 91 Fed. Reg. 43,615 (July 16, 2026). MLA incorporates those comments by reference.

CONCLUSION

Maine's owner-operator lobster fishery is integral to the state's culture, heritage, and economy. The future of many coastal communities—and opportunity for the next generation—depends on the continued success of the Maine lobster fishery. Going forward, conservation measures must rest on lawful analyses and the best available data, and must protect right whales without sacrificing fishing safety, affordability, enforceability, access, or economic viability. For the reasons described above, *all* current measures must be reevaluated after NMFS performs a new, lawful analysis of fishery impacts. MLA is confident that such an analysis will support the removal or modification of certain measures that were imposed based on the previous unlawful, precautionary assessments, and that no new measures will be warranted.

If you have any questions or would like additional information, please do not hesitate to contact me at 207.967.4555 or patrice@mainelobstermen.org.

Sincerely,



Patrice McCarron
Executive Director

[9] *See* NOAA Fisheries, *Advancing Agency-Level Reforms to Restore American Seafood Competitiveness* (Sept. 2, 2026), https://www.fisheries.noaa.gov/leadership-message/advancing-agency-level-reforms-restore-american-seafood-competitiveness.

cc: Eugenio Piñeiro Soler, Assistant Administrator, NMFS
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Carl Wilson, Commissioner, Maine Department of Marine Resources
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Attachment

ATTACHMENT

MAINE
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October 14, 2026

VIA Federal eRulemaking Portal (http://www.regulations.gov)

Shannon Bettridge, Ph.D.
Acting Director, Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD, 20910

Re: Comments of the Maine Lobstermen's Association on NMFS's Request for Information on Ropeless Fishing, NOAA-NMFS-2026-2080

Dear Dr. Bettridge:

The Maine Lobstermen's Association, Inc. ("MLA") submits these comments in response to the National Marine Fisheries Service's ("NMFS") Request for Information on Ropeless Fishing for Fisheries of the Northeastern United States and Atlantic Coastal Fisheries Cooperative Management ("RFI"). *See* 91 Fed. Reg. 43,615 (July 16, 2026). MLA is Maine's oldest and largest fishing industry organization representing Maine lobstermen. For more than 70 years, MLA has advocated for a sustainable lobster resource, and the fishermen and communities that depend on it, through policy, advocacy, education, resource stewardship, and collaborative research.

No one—least of all Maine lobstermen—wants to see a right whale harmed. Due to the industry's deep commitment to stewardship, instances of right whale entanglements in Maine lobster gear are extremely rare, with only two observed entanglements in recorded history. Maine lobstermen have demonstrated that broad, permanent closures or costly ropeless fishing mandates are not necessary to protect whales. But in NMFS's rush towards on-demand ropeless gear as the preferred "solution," the agency has ignored affordable, practical, dynamic measures that can reduce risk if and when the need arises. A flexible management approach is far preferable to one that is unproven under normal commercial conditions in the fishery, creates serious safety and operational concerns, will price lobstermen out of business, and will upend Maine's diverse owner-operator fleet.

As explained below, MLA expects NMFS to do what the law requires: conduct a new, thorough assessment of fishery impacts and the current management regime under the Marine Mammal Protection Act ("MMPA") and the Endangered Species Act ("ESA")—free of all "precautionary" or "conservative" assumptions. Only then can NMFS lawfully evaluate whether additional measures are necessary and, if so, consider flexible, innovative approaches that protect right whales while minimizing impacts on the lobster fishery and the communities it supports.

Ultimately, the lobster industry needs flexible management approaches that are safe, cost effective, and consistent with the tenets of Maine's successful, well-established fishing practices and owner-operator business model. NMFS should prioritize approaches that preserve or adapt traditional gear and fishing methods over those that require new technology or methods incompatible with Maine's diverse fleet and complex coastal environment.

MLA's response to the RFI does not accept that broad-scale ropeless fishing is a foregone conclusion. Instead, these comments first address the legal and factual context that must guide NMFS's analysis and then explain the limited circumstances in which flexible, low-cost alternatives may be useful.

CONTEXT

The Maine lobster fishery is integral to Maine's culture, heritage, and economy. The future of many of Maine's coastal communities, and economic opportunities for children growing up in these communities, depends on its continued success.

The Maine lobster fishery has been severely and unfairly affected by federal regulatory overreach stemming from NMFS's unlawful application of the MMPA and ESA to the perceived risk posed by the fishery, resulting in numerous costly measures, gear modification requirements, and closures. This reached a zenith in 2021, when NMFS adopted a ten-year regulatory plan that, if fully implemented, would have dismantled the Maine lobster fishery. The plan was based on the unrealistic and unproven premise that the fleet could absorb ten years of phased restrictions by transitioning to "ropeless" gear and on an assessment that grossly inflated the fishery's perceived impact on the species far beyond what is supported by the best available data.

Faced with economically crushing regulatory decisions, MLA challenged NMFS's actions in federal court, asserting that the agency's precautionary, speculative, and pessimistic assessment of the lobster fishery's impact was unlawful. In 2023, the D.C. Circuit Court of Appeals issued a complete victory for MLA, holding that NMFS's challenged reasoning was "egregiously wrong." *Me. Lobstermen's Ass'n v. NMFS*, 70 F.4th 582, 597-98 (D.C. Cir. 2023) ("*MLA v. NMFS*"). While that litigation was pending, Congress intervened in December 2022 to prohibit the agency from taking any further regulatory actions under the ESA and MMPA through December 2028. Congress also provided $62 million, including more than $20 million for research, "to support the adoption of innovative fishing gear deployment and fishing techniques to reduce entanglement risk to North Atlantic right whales." Consolidated Appropriations Act, Pub. L. No. 117-328, 136 Stat. 4459 (2022). Much of that funding, however, was directed toward testing and developing one perceived solution—on-demand acoustic ropeless gear—to the exclusion of developing a broader range of cost-effective, practical solutions. NMFS now

appropriately recognizes that the Consolidated Appropriations Act of 2023 "does not limit NMFS' ability to consider other innovative gear or management activities." 91 Fed. Reg. at 43,615.

Maine's lobster industry has long and consistently opposed ropeless fishing as a strategy for Maine's diverse fleet, and that position has not changed. Yet NMFS continued to prioritize on-demand ropeless gear over any other whale conservation tools that better align with existing fishing practices, technology, and cost structure. That emphasis grew from the same unlawful assessment of the fishery's impacts rejected by the D.C. Circuit. A new, transparent, comprehensive, and lawful assessment is now required. MLA urges NMFS to implement a much-needed course correction and set the agency on a lawful path.

COMMENTS

A. Without the required new analysis of fishery impacts, the RFI is premature.

MLA wants to express its appreciation for Assistant Administrator Piñeiro Soler's confirmation that NMFS "will not mandate the use of ropeless gear"[1] and NMFS's clarification that it is only considering ropeless gear "as a potential *voluntary* alternative for fixed-gear fishermen to operate in areas with persistent buoy line restrictions while minimizing risks to large marine mammals." 91 Fed. Reg. at 43,615 (emphasis added). MLA also acknowledges and appreciates NMFS's recognition that "ropeless fishing" is broader than "on-demand" gear and includes "other fixed gear that does not use persistent buoy lines," such as grappling and dropping one endline. *Id*.

With that said, the RFI is premature because the current lobster regulatory framework rests on NMFS's flawed 2020 and 2021 assessments. In *MLA v. NMFS*, the D.C. Circuit Court of Appeals found those assessments unlawful because NMFS's precautionary approach tainted all the assumptions and analyses underlying them. 70 F.4th at 595-601. The result was an unrealistically pessimistic assessment of fishery's supposed impact. As the Court explained:

> ***All*** of the assumptions the Service made are thus tainted by the presumption in favor of the species. Some of the assumptions the Service made along the way are quite important—as we have explained, the Service ultimately concluded the lobster and Jonah crab federal fisheries kill 46 whale deaths per decade, a staggering departure from the two documented deaths known to have originated in all U.S. fisheries over a period of nine years.

Id. at 600-01 (emphasis added).

NMFS's unlawful, inflated assessment of fishery impacts is the very premise of the currently applicable regulatory framework, and it now threatens to infect NMFS's approach to this RFI. For that reason, MLA emphasizes that, in light of *MLA v. NMFS*, the agency is required to (1)

[1] *See Advancing Agency-Level Reforms to Restore American Seafood Competitiveness*, NOAA Fisheries (Sept. 2, 2026), https://www.fisheries.noaa.gov/leadership-message/advancing-agency-level-reforms-restore-american-seafood-competitiveness.

perform a new *lawful* assessment—including, specifically, a revisitation of mortality and serious injury estimates based on the current and best available data, free of precautionary assumptions or hypothetical "cryptic mortality" estimates; and (2) start from a clean slate to reevaluate the current regulatory framework based on the current and best available data and an objective assessment of *likely* fishery effects.[2]

A lawful assessment is likely to show that existing measures are sufficient and that some restrictions, including the LMA1 seasonal closure, are not justified once the precautionary "thumb on the scale" is removed. Only if a lawful assessment demonstrates a need for additional measures would a more narrowly focused RFI be appropriate.

B. If any closures remain justified, NMFS should prioritize flexible, dynamic management over on-demand ropeless fishing.

For the reasons stated above, MLA believes the RFI is premature and based on unlawful premises. The RFI's 52 questions put the cart before the horse because they are based on a false premise, *i.e.*, that a ropeless management regime is needed. NMFS must first assess the need and sufficiency of *current* restrictions based on a fresh, untainted, and lawful analysis of fishery impacts. Accordingly, MLA responds below only to the RFI topics that bear directly on accomplishing a lawful reassessment of impacts and on practical alternative management measures. MLA also notes that the numerous questions are far too tedious and overwhelming to allow a constructive and informed response from lobstermen, who are working long hours every day to make a living.

1. Consideration of ropeless fishing should be off the table until NMFS completes an untainted, lawful analysis. (RFI Section 1.0)

Ropeless gear should remain off the table entirely until NMFS reevaluates the need for existing seasonally closed areas through the new assessment required by *MLA v. NMFS*. If a seasonal closure continues to be lawfully required and remains the only feasible option in a particular area, ropeless methods—including grappling, dropping endlines, and other low-cost approaches—should be voluntary options for fishermen who choose to use them. And there is certainly no basis for any *new* seasonal closures or broad-scale ropeless requirements. The idea that widespread adoption of ropeless gear is needed—previously held by NMFS and still espoused by environmental activists and proponents of ropeless technology products—reflects the same precautionary mindset, untethered from the best available data, that the D.C. Circuit found "egregiously wrong." *MLA v. NMFS*, 70 F.4th at 597-98. Fortunately, better options exist.

MLA strongly supports flexible, dynamic approaches that use *existing* technology, gear, and fishing methods—such as removing an endline—to avoid potential entanglement when significant aggregations of right whales are present in discrete areas. Government resources

[2] This is required under both the ESA and the MMPA, neither of which allows NMFS to apply a "precautionary principle." "[W]hen the Congress wants an agency to apply a precautionary principle, it says so." *Id*. at 599. As the Court held in *MLA v. NMFS*, the ESA contains no such instruction. *Id*. at 595-600. Neither does the MMPA, as NMFS recently acknowledged. *See* 91 Fed. Reg. 20,784, 20,790 (Apr. 17, 2026) ("Neither the MMPA nor NMFS' implementing regulations include references to, or requirements for, the precautionary approach.").

should focus on practical, low-cost solutions that can be implemented safely and reasonably when needed.

Pragmatic management has already worked. Last winter, when 96 right whales were detected in and around Jeffrey's Basin in federal waters, Maine lobstermen voluntarily altered gear deployment based on real-time information about whale presence. Using new monitoring capabilities made available by Maine Department of Marine Resources ("DMR") programs, they removed endlines, avoided shifting gear into whale aggregation areas, or removed gear when conditions allowed. They did not need millions of dollars of new equipment to act. To date, with the vast majority of whales resighted, none have been observed entangled.

The Jeffrey's Basin experience teaches that we now have in place the capability to support a flexible management approach that allows action to be determined on a situational basis, considering a combination of factors such as the number of whales, whale behavior, prey availability, and presence of gear. The management response should be economically feasible, operationally practical, and safely achievable under weather and fishing conditions. Any necessary modifications to fishing gear should prioritize simple solutions as was done in the Jeffrey's Basin event.[3] Such management should be overseen and implemented by state agencies in consultation with the fishing community.

2. On-demand gear raises serious safety and retrieval concerns. (RFI Section 2.0)

For Maine lobster operations, on-demand ropeless gear does not eliminate the primary man-overboard hazard and makes recovering a person from the water more difficult. The principal entanglement risk on deck comes from groundlines rapidly deploying between traps as gear is set. If a lobsterman is pulled overboard entangled in groundline, recovery requires gaffing the buoy line and hauling the gear back. Endlines, by contrast, are rarely stored on deck while gear is being reset. NMFS already requires sinking groundline, which snags more easily than float rope, and longer trawls, which means more groundline on deck, creating more risk to lobstermen. On-demand gear would remove the buoy line needed to recover a crew member, adding another layer of risk in a man-overboard emergency.

Regarding gear retrieval, lobstermen routinely grapple gear displaced by storms or vessel traffic. Grappling is slow, difficult, and not commercially sustainable on a broad scale; sinking groundline makes it harder because fishermen can no longer see a floating loop on the sounder. Even so, grappling remains a familiar way to recover lost gear and avoid high replacement costs. Because it relies on existing gear, known retrieval methods, and current technology, grappling can be one tool in a limited dynamic response.

Finally, as to Question 11, fishermen should generally be allowed to innovate to adapt gear to function safely and efficiently on their vessels.

[3] Maine DMR is exploring technology for retrieving dropped endlines, including the development of timed galvanic devices to release a stowed endline at a predetermined time and devices that use a spring-release to access an endline stowed with the trap.

3. Alternative gear marking may support limited dynamic management. (RFI Section 3.0)

Alternative gear marking could support dynamic management by providing a lawful means to remove a traditional buoy and endline while still clearly indicating to other ocean users that lobster gear is deployed on bottom, including making it legal to fish a single endline in these areas. Maine DMR has been exploring marking options that could be used for this purpose. Because these situations would be rare and limited—affecting discrete areas, short periods of time, and relatively small numbers of lobstermen—implementation should rely on direct coordination with fishermen rather than prescriptive, coastwide regulations.

4. Detailed digital gear-viewing requirements are unnecessary for narrow, dynamic measures. (RFI Section 4.0)

The RFI's detailed gear-viewing framework is unnecessary to implement dynamic measures in Maine. MLA does not support broad-scale ropeless fishing. In the rare circumstances requiring a dynamic response, simpler tools will be sufficient: existing plotters, VHF and text communications, direct outreach to affected fishermen, potential alternative gear marking, and geofencing or other clear identification of the affected area.

5. Broad-scale ropeless fishing would increase gear-conflict risk. (RFI Section 5.0)

Gear conflict is a major concern for fishermen and a central reason many across commercial fisheries oppose ropeless fishing. Because there is no basis to adopt ropeless fishing at scale, it is premature to design a coastwide regulatory system around those conflicts.

Under a limited dynamic management approach, gear conflicts are easier to manage or avoid because the response would apply to small, discrete areas where a limited group of active fishermen are involved. Direct communication among fishermen and managers can identify workable, case-specific solutions, while other vessels may also choose to limit activity because whales are present.

6. Broad-scale adoption of ropeless fishing would undermine Maine's owner-operator fleet. (RFI Section 6.0)

Any substantial adoption of on-demand ropeless gear—whether labeled "voluntary" or not—would be incompatible with the operating realities of Maine's diverse, small-boat fleet and would create serious equity concerns. Higher equipment and operating costs would undermine Maine's owner-operator model and create significant pressure for consolidation in the fishery. That would be a death knell for Maine's rural coastal communities and economies, creating winners and losers, with many forced out of business. Small vessels lack the capital, deck space, crew, or technical capacity needed for a transition to complex ropeless systems. The resulting burdens—along with unresolved questions about safety, gear loss, conflicts with other fisheries and ocean users, interoperability, enforcement, and maintenance—simply cannot be resolved without undermining traditional fishing practices and cultural norms and threatening the region's fishing heritage.

In response to Question 34, the current EFP process appears sufficient to meet demand for ropeless gear testing. To MLA's knowledge, fishermen who have wanted to participate in testing have been able to do so. MLA therefore does not see an equity problem that requires broader authorization simply to expand testing.

7. Any authorized system must remain fully enforceable. (RFI Section 8.0)

Any authorized alternative must allow law enforcement to locate, haul, and inspect fishing gear safely and effectively.

CONCLUSION

Maine's owner-operator lobster fishery is integral to the state's culture, heritage, and economy. The future of many coastal communities—and opportunity for the next generation—depends on the continued success of the Maine lobster fishery. A mandate for on-demand ropeless gear would forever change how the fishery operates and jeopardize the economic stability and fishing heritage it supports.

NMFS previously pursued a one-size-fits-all approach to whale conservation directing substantial resources toward on-demand ropeless gear based on unlawful assumptions and assessments about fishery impacts. Aside from being unlawful, that approach failed to account for the realities of the diverse Maine lobster fleet and threatened its owner-operator fishery. Going forward, conservation measures must rest on lawful analyses and the best available data, and must protect right whales without sacrificing fishing safety, affordability, enforceability, access, or economic viability. On-demand ropeless fishing gear is no such solution. MLA stands ready to support flexible, feasible measures that are lawful and supported by the best available data, if warranted.

If you have any questions or would like additional information, please do not hesitate to contact me at 207.967.4555 or patrice@mainelobstermen.org.

Sincerely,



Patrice McCarron
Executive Director

cc: Laura Grimm, Deputy Under Secretary for Oceans and Atmosphere, NOAA
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