

Scoping Document:
Modifications to the
Atlantic Large Whale Take Reduction Plan

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PURPOSE OF THE SCOPING DOCUMENT

The National Marine Fisheries Service (NOAA Fisheries) is preparing to analyze risk reduction measures in consideration of potential amendments to the Atlantic Large Whale Take Reduction Plan (Plan) to reduce the incidental deaths and serious injuries to North Atlantic right whales (*Eubalaena glacialis*, hereafter “right whales”), humpback whales (*Megaptera novaeangliae*), and fin whales (*Balaenoptera physalus*) in U.S. fixed-gear commercial fisheries along the Atlantic coast as necessary to meet the goals of the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). The scoping process, for which this document was prepared, is the first stage in a multi-step process required by the National Environmental Policy Act (NEPA) to ensure that Federal agencies evaluate the environmental impacts when considering taking major Federal actions. During the scoping process, the public has the opportunity to assist NOAA Fisheries in determining the scope of issues and providing suggestions that require analysis. The analysis of issues and the environmental impacts of the proposed action may be presented in a Draft Environmental Impact Statement (EIS) or Draft Environmental Assessment (EA), which would be available for public comment. Consideration will be given to efforts to minimize the regulatory burdens on fishermen while meeting the mandates of the MMPA and ESA.

In the upcoming year, NOAA Fisheries intends to reconvene the Atlantic Large Whale Take Reduction Team (Team), a multi-stakeholder group that makes recommendations on mitigation measures to NOAA Fisheries to modify the Atlantic Large Whale Take Reduction Plan (Plan). The purpose of those meetings is for the Team to discuss options and develop recommendations for potential Plan modifications that would reduce serious injuries and deaths of large whales, particularly the endangered right whale, caused by entanglement in U.S. commercial fishery gear from Maine to Florida. Given the breadth of interests represented on the Team, meetings are professionally facilitated to negotiate consensus and forge mutually beneficial outcomes among competing interests. In anticipation of upcoming Team meetings and any potential Plan modifications, we are asking for public input and suggestions regarding measures that would reduce the risk of large whale entanglements in U.S. fixed-gear commercial fisheries along the Atlantic coast while stabilizing the economic viability of the U.S. commercial fishing industry, protecting coastal community heritage, and minimizing regulatory burdens to meet statutory requirements.

The purpose of this document is to frame the questions for input and suggestions. This document describes the major issues, current management and legal requirements, and identifies potential management measures (including measures already in effect) to address fisheries that may frequently or occasionally entangle large whales. Comments received on this action will assist NOAA Fisheries in determining the options for any potential rulemaking needed to reduce serious injuries and deaths due to U.S. fixed-gear commercial fisheries along the Atlantic coast. NOAA Fisheries will hold a public scoping webinar on September 24, 2026, and will accept comments on scoping through October 16, 2026 ([91 FR 53231](#)).

NOAA Fisheries understands that public involvement is critical during the consideration, development, and analysis of any proposed regulatory action, especially any potential amendment to the Plan. Public input, for example, can inform the development of a full range of alternative approaches for future management. Broad input can identify measures that can help fisheries and large whales co-exist while minimizing regulatory burdens. The input from commercial fishery, conservation, scientific, and indigenous communities; the regional fishery management councils; the states; federal agencies; and the general public are being sought by NOAA Fisheries through circulation of this scoping document. NOAA Fisheries anticipates that public input will clarify and expand the issues surrounding a range of measures considered by the Team.

It is important to note that nothing presented in this document constitutes refined management alternatives currently under consideration nor for usage in the NEPA analysis. Rather, the following are issues and ideas, many generated and discussed during past Team meetings, that would benefit from wider input and additional information and review.

ATLANTIC LARGE WHALE TAKE REDUCTION PLAN HISTORY

Pursuant to Section 118 of the MMPA, NOAA Fisheries established the Team to develop a plan for reducing the mortality and serious injury of three endangered species of large whale—right whales, humpback whales (*Megaptera novaeangliae*), and fin whales (*Balaenoptera physalus*)—in U.S. fixed-gear commercial fisheries along the Atlantic coast.

Since its inception in 1996, the Team has consisted of a balance of stakeholder representatives from the fishing industry, fishery management councils, state and federal resource management agencies, the scientific community, and conservation organizations. The immediate goal of the Team when it was first convened was to draft a Plan to reduce the incidental serious injuries and deaths of these three large whale species incidental to commercial fisheries to a level less than each stock's potential biological removal level (PBR) within 6 months of implementation of the plan. The MMPA defines PBR as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. For right whales, PBR has been one whale or fewer per year since their PBR level was first calculated in 1995 (Blaylock *et al.* 1995), meaning that less than one right whale can be killed or seriously injured by human-caused events—including U.S. commercial fishing gear—each year to allow the stock to reach its optimum sustainable population. In 2023, the North Atlantic Right Whale Stock Assessment Report identified the potential biological removal (PBR) for the stock at 0.73 (Hayes *et al.* 2024). However, in the early 2020s, the U.S. and Canada implemented additional conservation measures through their respective regulatory processes. The impact of those measures on the population could not be fully addressed in the 2023 Stock Assessment Report. PBR will be updated based on the best available

data prior to beginning any rulemaking efforts. Any new risk reduction targets to be considered by the Team will be based on the updated PBR.

The original plan and subsequent modifications are as follows:

- The proposed Plan was published on July 22, 1997 (62 FR 16519), which included two gillnet fishing closed areas (Cape Cod Bay and Great South Channel), one trap/pot fishing (Great South Channel) closed area, required gear modifications for certain areas, and gear marking.
- The final Plan was published on February 16, 1999 (64 FR 7529).
- Additional gear modifications were required in an interim final rule in December 2000 (65 FR 80368) and a final rule in January 2002 (67 FR 1300, January 10, 2002; 67 FR 15493, April 2, 2002).
- An interim final rule for a Seasonal Area Management (SAM) program was published in 2002 (67 FR 1142, January 9, 2002; 67 FR 65722, October 28, 2002).
- A final rule for a Dynamic Area Management (DAM) program that implemented short-term gear modifications and area closures in response to observed whale presence was published in January 2002 and clarified in October 2002 (67 FR 1133, January 9, 2002; 67 FR 65722, October 28, 2002).
- A technical amendment was published in April 2003 to clarify requirements for shark gillnet gear in the Southeast (68 FR 19464, April 21, 2003).
- Sinking or neutrally buoyant groundlines were required in DAM areas in a modification published in August 2003 (68 FR 51195, August 26, 2003).
- A proposed rule requiring broad-based gear modifications was published in June 2005 to replace the DAM program (70 FR 35894, June 21, 2005).
- A final rule requiring sinking groundline was published in October 2007 (72 FR 5710, October 5, 2007). When the majority of the broad-based gear modifications became effective on April 7, 2008, the Dynamic Area Management (DAM) program was eliminated. When the sinking/neutrally buoyant groundline requirement became fully effective on April 5, 2009, the Seasonal Area Management (SAM) program was eliminated.
- In July 2013, a proposed rule to expand the Cape Cod Bay Restricted Area and rename it the Massachusetts Restricted Area, and close it from January 1-April 30 to trap/pot fisheries, as well as close two additional areas Jeffreys Ledge and Jordan Basin during winter months, along with other measures was published (78 FR 42654, July 16, 2013)
- In June 2014, a final rule that implemented one closure area, the expanded Massachusetts Restricted Area from January 1-April 30 (79 FR 36586, June 27, 2014), which was then modified to February 1-April 30, was published (79 FR 65918, November 6, 2014). A number of other measures, including a new trap/pot management area in the Southeast, restrictions designed to reduce the number of buoy lines that fishermen employ in the Northeast, requirements that single traps/pots in the Southeast implement weaker weak links and breaking strength of vertical lines, and that vertical lines be free of objects and made of sinking line, and increased the number of gear markings on a line.

- In March 2015, a proposed rule (80 FR 14345, March 19, 2015) and, in May 2015, a final rule to change the minimum number of traps per trawl in certain Massachusetts and Rhode Island state waters; modify the requirement to use one endline on trawls within certain areas in Massachusetts state waters; and add a 1/4 mile buffer in waters surrounding certain islands in Maine to allow fishing with a single trap was published (80 FR 30367, May 28, 2015).
- In December 2020 a proposed rule (86 FR 51970, December 31, 2020) and in September 2021 a final rule (86 FR 51970, September 17, 2021) that added and modified restricted areas, increased the minimum number of traps per trawl and weak rope requirements, and expanded and modified gear marking requirements for the Northeast lobster and Jonah crab fishery was published.
- In March 2022, an emergency rule to close the “wedge” area, an area between federal and state waters within the Massachusetts Restricted Area, during the month of April 2022 was published (87 FR 11590, March 2, 2022), and in February 2023 the emergency rule was extended from February-April 2023 (88 FR 7362, February 3, 2023). In September 2023, a proposed rule (88 FR 63917, September 18, 2023) and in February 2024 (89 FR 8333, February 7, 2024), a final rule closing the wedge area annually from February-April was published.

The complete text of the current regulations implementing the Plan can be found in the Code of Federal Regulations (CFR) at 50 CFR 229.32 or on the Plan website at: <https://www.fisheries.noaa.gov/alwtrp>. In addition to the Plan, some [closures](#) were put in place by the South Atlantic Fishery Management Council. [Guides](#) to the regulations implementing the Plan can also be found on the web page.

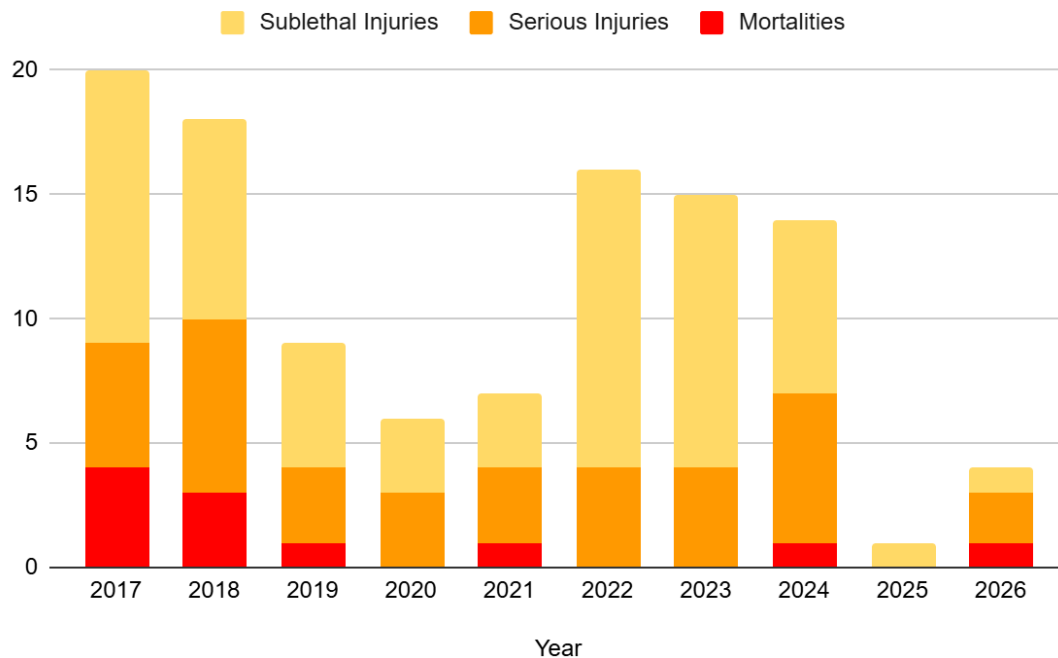
Affected Fisheries

At the next series of deliberative meetings, the Team will consider regulatory measures for the:

- Northeast trap/pot fisheries for American lobster and Jonah crab;
- Mid-Atlantic gillnet fisheries for monkfish, spiny dogfish, smooth dogfish, bluefish, weakfish, menhaden, spot, croaker, striped bass, large and small coastal sharks, Spanish mackerel, king mackerel, American shad, black drum, skate species, yellow perch, white perch, herring, scup, kingfish, spotted seatrout, and butterfish;
- Northeast sink gillnet and anchored float gillnet fisheries for Atlantic cod, haddock, pollock, yellowtail flounder, winter flounder, witch flounder, American plaice, windowpane flounder, spiny dogfish, monkfish, silver hake, red hake, white hake, ocean pout, skate spp, mackerel, redfish, herring, menhaden, and shad;
- Northeast drift gillnet fisheries for shad, herring, mackerel, and menhaden and any residual large pelagic driftnet effort in New England;
- Massachusetts mixed species trap/pot; and
- Atlantic mixed species trap/pot fisheries for hagfish, shrimp, conch/whelk, red crab, Jonah crab, rock crab, black sea bass, scup, tautog, cod, haddock, Pollock, redfish (ocean perch), white hake, spot, skate, catfish, stone crab, and cunner;

- Mid-Atlantic trap/pot fisheries for lobster and Jonah crab, and
- Atlantic trap/pot fishery for Atlantic blue crab;
- Southeast Atlantic gillnet fisheries for finfish, including, but not limited to: king mackerel, Spanish mackerel, whiting, bluefish, pompano, spot, croaker, little tunny, bonita, jack crevalle, cobia, and striped mullet; and
- Southeast Atlantic shark gillnet fisheries for large and small coastal sharks, including but not limited to blacktip, blacknose, finetooth, bonnethead, and sharpnose sharks.

Observed right whale entanglement-related serious injuries and mortalities have exceeded PBR in most recent years, except for 2025.



Observed Incidents: 2017-2022 from Henry et al. [2023](#) and [2024](#); 2023-August 2026 from [UME website](#); Sublethal entanglements from [UME website](#). (*Note that #5120's death is counted here as 2024 mortality, though it is listed as 2022 mortality in Henry et al.)

INPUT NEEDED

The primary purpose of this scoping document is to provide background on large whale/commercial fisheries entanglement issues along the Atlantic coast and to solicit input on a variety of topics, including but not limited to those listed below, to ensure compliance with the MMPA and the ESA with a particular emphasis on reducing impacts on right whales.

The list of topics and questions presented below is intended to serve as a starting point for discussion of future management under the Plan and should not be considered a complete list of possible management measures or strategies. NOAA Fisheries will, as appropriate, present a summary of input received during scoping to the Team to inform

their development of recommendations for Plan modifications. The public will have an additional input opportunity to comment on any proposed rule to amend the Plan and associated analyses.

Measures to reduce the risk of entanglement have in the past been geared to separating or reducing whales' exposure to rope through buoy line and gear reduction, through seasonal buoy line restricted areas or temporary area closures, and trawling up to reduce the amount of line in the water. Measures that reduce the likelihood of serious injuries are also used, such as weak rope or weak insertions in rope intended to prevent serious injuries.¹ Additional measures are in place to help identify where, when, and how much entanglement is occurring, including colored marks required on buoy lines and identification information on buoys.

Line Reduction

Gillnet Line Reduction and Modifications in Fishing Operations

Gillnet gear requirements vary by geographic area. The Plan currently recognizes seven gillnet management areas, with varying restrictions and seasonal closures. Universal requirements in the Plan include no floating buoy lines at the surface, no wet storage of gear, all groundlines must be made of sinking line, and fishermen are encouraged to maintain knot-free buoy lines. Gear marking is required, and includes surface buoy marks and buoy line marks, with colors varying with the area fished. Gillnets must also have panel and buoy line weak links, and adhere to configuration requirements, including 22-pound Danforth-style anchors at each end of the net string (must be a burying anchor; no dead weights). Considerations regarding potential modifications that NOAA would like input on include but are not limited to:

- Areas or conditions under which trawling up (the addition of net panels to a string) measures could be feasibly and safely implemented to reduce the number of vertical lines within the water column. How long does it take fishermen to “panel up” for a gillnet set? How will the long gillnet sets affect a fisherman’s catch? Note that some fishery management plans or other take reduction plans may have maximum allowances for panels on a string.
- In 2022, the Team discussed restricting the number of endlines that could be fished. A line cap would allow fishermen to choose how to reduce the buoy lines fished, whether by fishing fewer gillnet panels, by paneling up, or if allowed, by fishing without persistent buoy lines on one or both ends. Fishing vessels often carry permits for multiple fisheries and fish those fisheries simultaneously. Would a line cap by vessel be more effective than a line cap for each permit held by a vessel?
- What safety or operational concerns would be raised by either paneling/trawling up or a line cap, especially for vessels of varying sizes and permits?
- Would changes be needed to the 22-pound Danforth-style anchor requirement be needed with additional requirements for weak links?

¹ NMFS interprets the regulatory definition of serious injury (i.e., “any injury that will likely result in mortality,” emphasis added) as any injury that is “more likely than not” to result in mortality, or any injury that presents a greater than 50 percent chance of death to a marine mammal.

- In discussing line caps, concerns were expressed about latent effort, meaning that some fishermen may not be fishing their fully permitted lines or traps, or vessels may be holding permits that are not actively fished. How would latent effort be accounted for in setting line caps?
- Are there specific areas where gear or effort reductions would be acceptable to fishermen as the most effective way to reduce entanglement risk?
- Would including a line cap in the Plan complicate any future potential Fishery Management Plan modifications, such as effort limits?
- Some gillnet fisheries are open access, such as the skate fishery. Do open access fisheries prevent effort restrictions from demonstrably reducing gillnet risk?

Trap/Pot Effort Reduction

Some trap/pot fisheries in the Northeast, such as the lobster and Jonah crab fisheries, use trap allocations to restrict the expansion of fishing effort. Many trap/pot fishermen choose to use less than their allocation, at least in some months of lower catch rates. A number of studies have demonstrated that effort reduction could be done without substantial economic impacts, see for example, Myers and Moore (2020) and Acheson (2013). A trap/pot effort reduction reduces costs of gear, bait, and gear maintenance and has been shown to potentially increase lobster catch rates in some scenarios. The Team has discussed trap/pot effort reductions, and some fishermen have suggested that a reduction in trap/pots would provide fast and effective risk reduction by decreasing the number of endlines and amount of rope in the water column. Less rope might ameliorate the need for further measures in some areas. However, many trap/pot fishermen have expressed a need to continue to allow for maximum trap/pot allocation to succeed in the fishery. NOAA Fisheries would like input on trap/pot effort reduction including:

- How much reduction, if any, are fishermen willing to accept? What kind of information would help fishermen evaluate the costs/benefits of trap reduction?
- How many traps/pots are necessary to maximize profits in the lobster fishery? Does it vary greatly by area?
- How would a reduced trap/pot allocation account for those fishermen who never fished their full allocation or not in all months?
- How would a reduced trap/pot allocation in the Northeast consider latent effort on vessels that have limited their fishing in some months but could now fish more in those months as long as they remain under their allocation?
- If the current trap/pot allocations were reduced in the Northeast, would that reduction produce an equal reduction in buoy lines? How would fishermen modify current fishing practices in the case of a trap/pot allocation reduction?

Reducing Rope on the Surface and in the Water Column

Current take reduction measures prohibit the use of float rope near the top of the buoy line, reducing the likelihood that surface-feeding whales will encounter rope. Most fishermen fish a large portion of sink rope at the top of the buoy line and use float rope near the bottom to keep the buoy line from chafing and wearing out rapidly. Currently, there is no federal requirement for the proportion of the buoy line that is float or sink rope. Excessive line in the water column has been observed at depths where whales feed.

NOAA Fisheries would like input on reducing line on the surface and in the water column:

- Should float rope in all vertical buoy lines be limited to the bottom third or half of the line? Should sinking rope or neutrally buoyant rope be required for a certain proportion of the line to prevent rope pooling at the surface?
- When fishermen move gear between shallow and deep water, some insert or remove lengtheners to accommodate the change in depth. Some fishermen moving into shallow waters coil or “shank up” the rope when moving to shallower water. How can floating loops (due to that additional scope in lines) be shortened or bound up to reduce loose coils or lines in the water column and at the surface? Should “shanking up” the top section of a vertical line below the surface system be prohibited?
- The current definition of groundline is, with reference to trap/pot gear, a line connecting traps in a trap trawl, and, with reference to gillnet gear, a line connecting a gillnet or gillnet bridle to an anchor. Some fishermen use an extended length of float rope between the last trap or gillnet panel and the anchor (sometimes referred to as the anchor gangion), creating a high loop of rope into the water column that poses a danger to whales traveling or feeding along the bottom. Additionally, sink rope is not currently required in the trap gangions, the rope that connects the traps to the groundline and/or buoy line. The use of some float rope may assist fishermen in case buoy lines are lost and fishermen are required to grapple for their bottom gear. Should all groundlines be composed entirely of sinking line and prohibit the use of buoys, toggles, or other flotation devices? Should we prohibit using float rope to attach anything used as weight (anchor, sled, non-fishable trap) to the first fishable trap or net? If float rope is not prohibited, should trap gangions be limited to no longer than 2 fathoms in length from trap bridle (or what is equivalent for gillnets?) to the groundline? Should anchor gangions on trap gear be restricted to no more than 4 fathoms of float line?
- If any of these gear modifications are implemented, how long would it take fishermen to reconfigure a trap trawl or gillnet set?
- Are there particular rope reduction methods that would work best in deeper offshore waters?

Seasonal Restricted Areas

Static Closed Areas:

“Static” closures that prohibit fishing in an area, or require removal of gear from a fishing area, during a specific season has been shown to be very effective at reducing the risk of entanglement where the co-occurrence of buoy lines and whales is high, such as seasonal feeding or calving areas. In areas where risk is higher due to gear presence but whale distribution is dispersed, moving gear can often just move the risk of entanglement to a new location.

- How can static closures be optimized to reduce whale entanglements without creating new hotspots of gear?

- Should additional static closed areas be considered, or should existing static closed areas be modified to be larger or smaller, at different times of the year, or for different lengths of time?
- Should seasonal restricted areas, which are currently written to prohibit the use of fishing with persistent buoy lines, include portions that do not allow ropeless gear? If approved for use, ropeless gear could allow fishermen who choose to use the gear to continue to fish in an area closed to buoy lines. However, in some areas of high whale occurrence, fishing that would result in increased vessel traffic compared to a closure, and the persistent risk of bottom gear, might merit closure to all fishing.
- There may be some areas or seasons of high mobile gear use within a broader restricted area where closing some of the area to any bottom gear could essentially create a seasonal gear separation scheme and reduce gear conflict. Are there specific areas or conditions where ropeless/on-demand technology could be used during closed seasons, and are there areas that should not be open to on-demand gear?
- Should fishermen choosing to use on-demand gear in restricted areas be required to comply with minimum traps per trawl regulations in effect when the areas are open, or does the absence of persistent vertical lines render those requirements unnecessary?

Southeast Black Sea Bass Seasonal Trap/Pot Closures:

The South Atlantic Fishery Management Council implemented commercial black sea bass trap/pot seasonal closures ([50 CFR 622.183\(b\)\(6\)](#); BSB seasonal closures) in 2017. The SAFMC BSB seasonal closures are in place from November 1 to April 30 in South Atlantic waters off the coast of North Carolina through Florida. The purpose of the BSB season closure is to limit the risk of vertical fishing lines interacting with right whales during their calving season. In 2022, the Team recommended mirroring the BSB seasonal closures in the Plan. The team also discussed modifying the BSB seasonal closures to prohibit vertical buoy lines (similar to restricted areas in the Northeast), to allow for the adoption and use of on-demand gear inside those areas.

- What, if any, concerns or support exists regarding the feasibility of mirroring the SAFMC BSB seasonal closures in the Atlantic Large Whale Take Reduction Plan regulations?
- Should this area be open to ropeless, on-demand, or timed gear?

Closure Management

Distribution of both fisheries and whales may be shifting due to changes in oceanographic conditions. Current regulatory processes and environmental analysis requirements prevent agile rulemaking; however, exploring adaptive management scenarios may allow opening of static areas based on the identified risk to right whales. NOAA Fisheries would like input on the following:

- Should regulations requiring closed and/or restricted areas be modified to adapt to new information about whale and fishery cooccurrence and risk? On what time scale should closures be assessed by NOAA Fisheries and the Team? For example, annually, every three years, every five years?

- Should new measures be restricted to opening a closed/restricted area early (e.g., if it has been proven through monitoring that whales have left an area), or should measures also allow early closing of an area (e.g., if there is a trigger that is met before whales enter an area)? What kind of factors would need to be considered and reviewed to ensure that early closing does not result in unintended risk (e.g., movement of gear to other locations can cause new hotspots, so what conditions would provide some confidence that whales are not likely to arrive in another nearby area)?
- Should changes to closure management be dependent on a rigorous monitoring program, i.e., if there are no resources for monitoring, the closures would be static? What would that monitoring program look like?
- Should all current closures/restricted areas be reviewed on a regular basis to assess their continued value toward entanglement risk reduction? How often should they be reviewed? And what would the criteria be for modifying current closures/restricted areas?
- What information would be needed to allow predictive modeling to modify closures/restricted areas to allow shifts in size, time, or location based on forecasted aggregations of gear or whales?
- Should closures/restricted areas be modified based on risk conditions during recent years, and, if so, how many proximal years should be evaluated to describe or predict shifts in gear or whales?
- What environmental data should be evaluated to predict shifts in gear or whales?
- Can an analysis of human and environmental impacts be assessed to allow changes to closures/restricted areas without specific future scenarios to assess?

Temporary Area Closures

In cases where right whales are not predicted but sighted in areas with dense fixed-gear, temporary (also known as “dynamic”) closures could be implemented. Two examples of dynamic temporary area closures are described below.

Example 1: The Atlantic Large Whale Take Reduction Plan included a provision for dynamic closures from 2002 through 2007, but that provision was eliminated in favor of seasonal management areas. The criteria for a dynamic closure was the sighting from a reliable reporter of three or more right whales within an area (75nm^2 (139 km^2)) such that right whale density is equal to or greater than 0.04 right whales per nm^2 (1.85 km^2). Dynamic closures were complex requiring publication in the *Federal Register* as well as a 48-hour notice to remove gear. This process meant that protections lagged behind sightings; for example, a 1,600 square nautical miles (nm^2) ($2,965\text{ km}^2$) closure east of Portsmouth, NH, triggered by a sighting of 8 right whales on November 20 did not take effect until December 5 -- a delay of 15 days (67 FR 17900, December 3, 2002).

Additionally, winter dynamic closures were often delayed due to unsafe conditions for fishermen to move large amounts of gear during foul weather. In part, because of the amount of time required for notice and publication and/or gear removal, the program was replaced with static closures and universal gear modifications.

Example 2: Canada recently implemented a system of closures that can occur in a pre-defined dynamic zone if a right whale is visually or acoustically detected. Once detected, a defined area around the position of the detection (approximately 2,000 km²) is closed to non-tended fixed gear fisheries, including lobster and crab, for 15 days. If a right whale is visually or acoustically detected again in the closed area during days 9 to 15, a closure extension is triggered. If a whale is not detected again in a closed area during days 9 to 15, the area re-opens to fishing after day 15. Before an area can re-open to fishing, two aerial surveys must be conducted with no right whale detections. If flights are unable to go out during days 9 to 15 (e.g. due to poor weather conditions), the area will remain closed until two flights can safely take place to indicate whether whales are likely no longer in the area. Outside the dynamic zone, Canada is able to implement dynamic closures on a case-by-case basis, with special consideration for sightings of three or more whales or a mother and calf pair. Note that the Canadian snow crab and lobster fisheries may have much lower trap limits than the American lobster fishery, so gear removal may be able to be done quickly.

NOAA Fisheries would like input on the following:

- Should dynamic closure measures be developed for implementation in situations where a high entanglement risk to right whales is identified?
- What are the areas where dynamic management could and could not be used?
- In the previous dynamic management program, three whales used to trigger dynamic measures for the Plan. For vessel speed slow zones, acoustic detection of any number of whales (but 3 calls) or sightings of at least three whales can trigger a voluntary speed zone. Suggestions have been made that a sighting of a breeding age female or cow/calf pair should be considered as triggers. How many right whales would trigger implementation of dynamic management? And what other factors should be considered?
- Could “now-casting” - models that predict whale presence based on characteristics like prey concentration, past use, salinity, and other oceanographic features be used to trigger a dynamic management zone?
- What types of detections of right whales should trigger implementation of dynamic management? Acoustic detections? Sightings by opportunistic observers? Sightings by trained marine mammal observers?
- What level of gear density would be considered high risk meriting dynamic management? Would lighter, nearshore gear be of less concern than heavier, offshore gear?
- Should other factors, including presence of prey or density of gear, be considered in dynamic closures in addition to the presence of right whales?
- What kinds of monitoring (e.g., acoustic, visual, opportunistic) would be needed to establish, enforce, and re-open closures?
- What information would be available and needed to predict persistence of a whale aggregation and impacts of shifts in gear distribution?

- What size area should be considered for a dynamic closure? What data should be considered to ensure dynamic closures do not shift the risk to right whales by creating new co-occurrence hotspots?
- Would dynamic closure be restricted to fisheries or areas with gear caps in place so that gear can be moved in one day? For example, gillnet vessels can usually move all of their gear in one trip. Lobster vessels that fish maximum trap allocations in multiple trawls may need many days to remove or move gear. Would something other than one day be preferable? Or what is the minimum length of time needed to move gear?
- What should be considered in determining the length of time a dynamic closure should be in effect? Or what monitoring requirements and risk decline metrics should allow an area to open? Should there be provisions for extending closures?
- On-demand gear in static closures will require some level of assurance of effectiveness in keeping buoy lines from being released early, making the use of inexpensive timed releases impractical in lengthy static closure areas. Could timed releases be used in dynamic closure areas that are established for short term protection to allow fishermen that cannot quickly move gear to quickly remove buoy lines from the water column? What evidence of effective release timing would be required?
- How should dynamic closures be communicated with vessels and enforcement offices? How do fishermen get information in near real time?
- Are there risks of allowing gear without buoy lines (on-demand gear) to remain in a dynamic closure without buoy lines?

Weak Rope/Weak Links

During discussions with the Team, a number of Team members, including fishermen, suggested that weak endlines in waters less than 50 fathoms (300 ft, 91.44 m) could be used nearly down to the bottom, with some length from the bottom allowed for a stronger float rope.

- Is there a length of buoy line near the bottom that fishermen believe could be used effectively to prevent chaffing but safely retrieve trap/pot gear from the bottom?
- Are there operational considerations, such as how currents, depth, bottom type, gear type, or other factors, would impact the use of weak rope?
- Are there suggestions for additional specific areas that could operate with fully or partially weak ropes, and are there safety or operational constraints for different types of gear and depths?
- Are there areas or depths such as beyond 50 fathoms where weak rope should not be considered as a risk reduction alternative?
- Are there areas where weak rope or weak links are currently required and are not working? What measures to reduce risk could replace weak rope and/or weak links in these areas?
- Is 1,700-pound breaking strength an effective conservation measure, and if not, what would be a more effective conservation measure to reduce severity of entanglements?

Gear Marking

Currently, the Plan requires a few feet of colored marks on buoy lines so that, in the relatively rare event, if rope on an entangled whale is retrieved or in other ways viewed closely, information about the area or fishery that set the gear can be determined. The purpose of buoy line marking is to provide better information to the Team and NOAA Fisheries about where entanglements occur. Modifications implemented May 1, 2022, required changes in the northeast lobster and Jonah crab gear marking including colors assigned to state of permit issuance, an additional color for federal waters and a long gear mark near the buoy to increase the possibility of detection from a vessel or plane. Preliminary evidence suggests these marks have increased the number of gear marks that have been identified to federal or state waters and permit state of origin. However, we have also heard from our aerial surveyors and gear analysis teams that the current marks are not enough; recommendations to expand the 1-foot green federal mark to a 3-foot green mark have been made, along with recommendations to require gear marks every 60 feet, which would increase the number of marks on longer buoy lines so that the frequency of marks in shorter and longer buoy lines would be similar, and could lead to less unidentified gear.

The cost of gear marking is primarily the cost in the time it takes fishermen to apply and maintain marks to their buoy lines. These costs can be high for fishermen fishing hundreds of buoy lines. Even with buoy lines marked, the majority of any buoy line does not carry any detectable mark even if retrieved. More importantly, gear is not retrieved or observed closely for most reported entanglement incidents. These cost/benefit considerations are discussed regularly with the Team. Suggestions on whether to further modify the current gear marking schemes are welcome, including information on:

- Time and other cost factors required to install and maintain gear modifications.
- Duration durability, and visibility of marks on the rope over time.
- The use of manufactured rope with tracers when gear distribution and manufacturing businesses cannot be prohibited from selling rope with tracers.
- What is your preferred gear marking practice (tape, paint, anything else)? How often do you have to mark your gear, and how long does it take to apply each mark?
- Most buoy lines are currently required to have the same amount of gear marks regardless of the fishery depth and associated buoy line length. For shallow buoy lines, 10 percent or more of the line may carry detectable marks, and in deep waters less than one percent could be marked. Should the number or size of buoy line marks be related to the length of the buoy line to ensure equitable detectability?
- Should the ALWTRP gear marking regulations apply to non-fishing gear that is intended to “hold bottom” for trap/pot fishing, where persistent vertical lines are attached to objects other than trap/pot gear?
- Should ALWTRP gear marking rules apply to developing aquaculture fisheries, with new color schemes?

Wet Storage

Some trap/pot fishermen leave gear in the water for long periods between hauls. This practice is sometimes called wet storage of gear. While it may benefit fishermen by relieving them of the time and effort to remove inactive gear from the ocean, untended traps have little to no value in terms of providing them with income from landings, and each rope represents an entanglement risk. Since 1999, the Plan has prohibited the long-term storage of inactive gear in the ocean by requiring fishermen to haul gear out of the water at least once every 30 days.

- Would reducing the amount of time wet storage is allowed encourage fishermen to fish fewer traps and trawls to reduce the need to tend gear that is not being actively fished to harvest lobster?
- Should wet storage be prohibited entirely (i.e. fishermen cannot leave inactive gear in the water for more than some amount of time, such as 2 weeks)?
- Would a 14-day wet storage requirement be operable if limited to areas adjacent to whale risk areas, essentially where gear is being stored or “staged” to rapidly move into closed areas upon opening?
- Would reduced wet storage allowance (e.g., reducing from 30 to 14 days) for vessels fishing with persistent buoy lines be an effective way to reduce the number of trawls, buoy lines, and ropes in the water column?
- If on-demand gear is not subject to shortened wet storage requirements, would it encourage the use of on-demand gear? And if so, would fishermen start using on-demand gear in areas and seasons where active fishing is unproductive?
- Do fishermen need additional sources of storage on land for gear not actively fished?
- Should consideration of fishery, fishing area, distances from shore, season, safety at sea, space limitations to storing gear on land, or other factors be considered when setting wet storage allowances?

Whale Conservation

Information on the value and the ecological and economic benefits of large whale conservation that NOAA Fisheries may not have access to, data or published information, is requested.

Ropeless Gear

Buoy lines connecting physical surface markers with fixed fishing gear—such as traps, pots, and gillnets—can entangle large whales, leading to the serious injury or death of the whale. Removing or reducing persistent buoy lines where right whales occur is one way to reduce the risk of entanglement for protected species, including North Atlantic right whales.

Ropeless fishing gear substantially reduces entanglement risk and, if approved, could provide fishermen with an option to fish in seasonal areas with persistent buoy line restrictions. Ropeless fishing is being considered as a voluntary option for fishermen who would like to use it; we are not considering mandatory use. Allowing ropeless gear

could also provide fishermen with the ability to remove endlines in response to unexpected aggregations of right whales in areas of dense gear.

For this NOI, we are particularly interested in times and areas where the ability for fishermen to use ropeless gear, such as in current or any future closed areas or in areas where sudden aggregations appear, could contribute to entanglement risk reduction. We would also like information on where and under what conditions fishermen could fish with one endline instead of two, assuming that fisheries regulations could be modified and that gear location could be communicated to mobile gear fishermen to avoid gear conflict.

For issues relating to feasibility, economics, and operational issues, we recommend commenting through the [Request for Information Notice](#) (RFI) that was published on July 16, 2026. The RFI includes definitions and 10 topics with questions under each topic to help guide responses.

We need your input. All responses received through this NOI and the RFI will be shared with the Atlantic Large Whale Take Reduction Team to help inform discussions, deliberations, and recommendations.

Any Other Best Available Scientific Information on Right, Humpback, and Fin Whales

Information on any additional best available scientific information on large whale habitat use, movement patterns, sightings, prey distribution, responses to environmental changes, entanglements, scarring, life history, or any other relevant information about large whales in the Atlantic is requested.

Any Other Relevant Topics

Information on any other topic relevant to large whale entanglements in U.S. commercial fishing gear or other Atlantic Large Whale Take Reduction Plan measures not specifically mentioned above is requested.

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