

NMFS held a 90-day scoping/public comment period following the June 14, 2011, publication in the *Federal Register* (76 FR 34654) of the agency's Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Atlantic Large Whale Take Reduction Plan (ALWTRP). Twenty-three sets of written comments were submitted to the agency. In addition to written comments, NMFS held fifteen public scoping meetings¹ during the 90-day scoping/public comment period along the Atlantic Coast. The public hearings were held as follows:

- Machias, Maine, on July 11, 2011 (30 attendees)
- Ellsworth, Maine, on July 12, 2011 (50 attendees)
- Rockland, Maine, on July 13, 2011 (30 attendees)
- Portland, Maine, on July 14, 2011 (15 attendees)
- Providence, Rhode Island, on July 18, 2011 (4 attendees)
- Plymouth, Massachusetts, on July 19, 2011 (30 attendees)
- Chatham, Massachusetts, on July 20, 2011 (30 attendees)
- Gloucester, Massachusetts, on July 21, 2011 (35 attendees)
- Portsmouth, New Hampshire, on July 22, 2011 (20 attendees)
- Morehead City, North Carolina, on July 26, 2011 (8 attendees)
- Virginia Beach, Virginia, on July 27, 2011 (5 attendees)
- Ocean View, Delaware, on July 28, 2011 (9 attendees)
- Manahawkin, New Jersey, on July 29, 2011 (4 attendees)
- Cape Canaveral, Florida, on August 22, 2011 (15 attendees)
- Jacksonville, Florida, on August 23, 2011 (10 attendees)
- Garden City, Georgia, on August 24, 2011 (8 attendees)

NMFS received oral testimony during these public hearings. Due to the large number of oral comments, they are organized according to the following specific topics:

- Exemptions
- Safety
- Monitoring
- Gear Marking
- Vertical Line Model
- Gear Modifications

¹ The New Hampshire Fish and Game Department held a scoping meeting that was attended by NMFS staff.

- General Comments

This appendix summarizes the written and oral comments, presenting them in two separate tables. Each comment is assigned to one of five categories:

- **Analyzed:** Comment is addressed in the DEIS.
- **Proposed Alternatives:** Comment is an element in one or more of the proposed alternatives.
- **Rejected Alternatives:** Comment relates to regulatory alternatives considered but rejected by NMFS.
- **Outside of Scope:** Comment falls outside the scope of the current regulatory action.
- **Duly Noted:** NMFS acknowledges the comment, but responding is difficult because the commentor did not articulate specific concerns; did not suggest concrete alternatives; or did not substantiate the position advocated.

The Response to Comments received during the public comment period for the Notice of Intent to prepare an EIS should be considered as a whole, for it collectively reflects NMFS' consideration of public comments. In some cases, NMFS has combined or paraphrased comments. All comments received during the public comment period and the public hearings have been fully considered. NMFS has addressed all written and oral comments. Please note that some commenters submitted written comments and offered oral testimony; thus, some of the comments are duplicative. In these cases, NMFS summarized the comments and responses in both the written and oral comments.

EXHIBIT 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
1	Action can't wait until 2014. Agency is spending a lot of tax payer dollars.	Duly Noted	---
	Request a two-day meeting on webinar instead of all the scoping meetings so the entire country can join in.	Duly Noted	---
2	Commenter supported the status quo (no change) option for the lobster trap/pot fishery.	Duly Noted	---
3	Thoroughly consider economic and operation impacts of new regulations.	Analyzed	Chap. 6
	Avoid a one size fits all approach and identify options that will be feasible and safe for industry.	Analyzed	Chap. 3
4	Concerned that criteria for whale protection are unrealistic and ungrounded in science. Unsure what the correct level of vertical line reduction or target is.	Duly Noted	---
5	Consider exempting more areas from the ALWTRP. Commenter has not seen any whales inside 8 miles along the Maine coast.	Proposed Alternatives	Chap. 3
6	Commenter supported the status quo (no change) option for the lobster trap/pot fishery. Verticals lines have been reduced through trap reductions.	Duly Noted	---
7	Commenter supported the status quo (no change) option for the lobster trap/pot fishery.	Duly Noted	---
8	South Carolina's coast differs from other states and should be considered independently.	Duly Noted	---
	Landings data do not accurately reflect how many traps are offshore in South Carolina waters.	Analyzed	Chap. 4

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SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
9	Commenter gave a description of the current black sea bass fishery in Northeast Florida suggesting that the risk of entanglement is non-existent because the fishery is so small.	Duly Noted	---
	Suggest making vertical line out of biodegradable material.	Outside of Scope	---
10	The Mid-Atlantic poses less risk to whales from fishing. Management measures should focus on hot spots.	Proposed Alternatives	Chap. 3
	Do not reduce the number of verticals line, instead improve gear marking and reporting.	Proposed Alternatives	Chap. 3
	Support increasing the number of marks on the line to improve gear marking. Do not require a point specific distance as this would make it hard for enforcement.	Proposed Alternatives	Chap. 3
	Recommend a survey approach for monitoring or make changes to the observer forms.	Duly Noted	---
11	Regulations should target areas of high whale density and be seasonal.	Proposed Alternatives	Chap. 3
	Increasing number of traps per trawl will be difficult for inshore waters, may be easier past the 50f curve.	Rejected Alternatives	---
12	Supports the development of the vertical line model and encourages NOAA to enhance whale population and data collection in the Mid-Atlantic.	Duly Noted	---
13	Requiring one endline is unsafe.	Rejected Alternatives	---

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SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
14	Should be allowed to land dragged lobsters in Maine.	Outside of Scope	---
15	Commenter has fished for over 30 yrs and has never seen a whale. Commenter prefers status quo.	Duly Noted	---
16	Commenter concerned about development of conservation measures without current and comprehensive information regarding known impacts of fishing gear on the whale population. Supports the status quo until decisions can be informed by more complete information.	Duly Noted	---
17	Commenter supports status quo. There is no direct correlation that can be made between a reduction in vertical lines and a reduction in whale harm. NMFS is guessing what the results of the plan will be.	Duly Noted	---
18	Give greater weight to the protection of right whales when developing management measures.	Alternatives Rejected	---
	Need to estimate occurrence rates greater than zero for whales within 20 miles of the Maine coast.	Duly Noted	---
	Commenter proposed management areas by SPUE.	Analyzed	Chap. 3
	Suggested closures, caps on the numbers of endlines, one endline per trap, and a minimum number of traps per endline as possible management measures.	Analyzed	Chap. 3
	Require consistent reporting.	Proposed Alternatives	Chap. 3
19	Improve gear marking requirements.	Proposed Alternatives	Chap. 3
	The model should be used in areas where there is consistent and reliable data. The model is less useful in areas with data gaps. NOAA needs to advocate for collection of whale density data to fill the gaps in the Mid-Atlantic. Until then, the agency should potentially look to other methods for assessing risk and support careful monitoring.	Duly Noted	--
20	Where are the data to show statistical significance that the sinking groundline modification made an impact? Wait to see what the effects of the groundline modification are before imposing new restrictions.	Duly Noted	--
	Should weigh effects of entanglements of whales based on population size. 10 right whales affected are much worse than 10 humpback whales.	Alternatives Rejected	--

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SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
21	Strategy should focus on risks arising from spatial and temporal correspondence between right whales and lobster gear.	Rejected Alternatives	---
	Measures should take into account whale behavior. Topography, presence of nutrients, and other factors affecting risk of entanglement with fishing gear.	Analyzed	Chap. 9
	Assess effectiveness of existing measures in combination with proposed measures.	Analyzed	Chap. 9
	Conduct evaluation of costs and benefits of existing and proposed measures taking into account experiences of fishermen in Maine waters.	Analyzed	Chap. 6
	Measures need to consider the conservation benefit, economics, safety/feasibility, flexibility, and have a periodic review and revision.	Proposed Alternatives	Chap. 5, 6, 7
	Maintain status quo in Maine state waters.	Rejected Alternatives	---
	Implement aggressive measures in areas where fishing gear and whales are most likely to occur (outside 50 f curve).	Analyzed	Chap. 3
	Proposed gear modifications such as using weaker rope and using a small amount of float rope.	Analyzed	Chap. 3
	Enhance gear marking and reporting.	Proposed Alternatives	Chap. 3
	Use second endline for large trawls for safety reasons.	Proposed Alternatives	Chap. 3
22	Plan to address the risk from vertical lines is long overdue.	Duly Noted	---
	NOAA fails to provide a target for risk reduction so this prevents understanding of how to judge success of plan.	Duly Noted	---
	Give management priority to right whales.	Rejected Alternatives	---
	Question the sufficiency of the data underlying the risk assessment in the model.	Duly Noted	---
	In favor of large seasonal and temporal areas rather than smaller blocks. Should explore recommendations to reducing amount of gear in the water while leaving catch rates unaffected.	Proposed Alternatives	Chap. 3
	The recent Biological Opinion on fisheries should not rely on vertical line rulemaking as basis for no jeopardy conclusion.	Outside of Scope	---
	Gear Marking should be frequent enough that line removed from whales is likely to be able to be identified to fishery or geographic area.	Proposed Alternatives	Chap. 3
	Should improve consistency of reporting.	Proposed Alternatives	Chap. 3

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SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
23	Commenter supports the use of the vertical line model to define areas that will be managed. Does not support the use of closures as a management measure.	Analyzed	Chap. 3
	Should be managed year round. Fishermen cannot be expected to change gear several times a year to accommodate seasonal regulation changes. Measures should vary by LMAs and zones in Maine.	Proposed Alternatives	Chap. 3
	Supports changes to the gear marking strategy.	Proposed Alternatives	Chap. 3
	Supports idea of increased data collection as long as there is a funding source for the implementation of this program.	Proposed Alternatives	Chap. 3
<p>Category Key: Analyzed = Comment is addressed in the FEIS. Proposed Alternatives = Comment is an element in one or more of the proposed alternatives. Rejected Alternatives = Comment relates to regulatory alternatives considered but rejected by NMFS. Outside of Scope = Comment falls outside the scope of the current regulatory action. Duly Noted = NMFS acknowledges the comment, but responding is difficult because the commenter did not articulate specific concerns; did not suggest concrete alternatives; or did not substantiate the position advocated.</p>			

EXHIBIT 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	SPECIFIC COMMENT COMPONENT	Category	FEIS Section Where Addressed
Exemptions	Commenters during the Maine scoping meetings wanted the Maine exemption line moved to the 3-mile line.	Rejected Alternatives	----
	Commenters expressed a desire to have an exemption in New Hampshire state waters.	Analyzed	Chap. 3
	Allow floating groundline back in some areas.	Outside of Scope	----
Safety	Safety concerns with increased traps per trawl in some areas. Two endlines are needed for safety and gear loss reasons.	Duly Noted	-----
Monitoring	Have entanglements decreased since the sinking groundline requirement? Monitor past requirements before implementing new ones.	Duly Noted	----
	New Hampshire and Massachusetts feel they are unfairly picked on because of the greater whale sighting survey effort and mandatory reporting requirements in their area. Desire to have survey effort in other areas.	Duly Noted	----
	Agreement that reporting is necessary. No problem with the current reporting questions or frequency of survey methods.	Proposed Alternatives	Chap. 3
	Disagreement with whether the reporting should be mandatory or voluntary. Mandatory might causing inaccuracy.	Duly Noted	----
Gear Marking	General support for a change to the current gear marking scheme.	Proposed Alternatives	Chap. 3
	Desire for more regional gear marking.	Duly Noted	----
	Continue to allow cheap gear marking methods.	Proposed Alternatives	Chap 3
	Potentially mark with 2 marks every 30-40 fathoms or at top, middle, and bottom of line. One mark for state, and other mark to represent gear type.	Proposed Alternatives	Chap 3
Vertical Line Model	Support for looking at finer scale management areas and allowing states to submit their own proposals.	Duly Noted	----
	Agree with the use of the co-occurrence layer.	Analyzed	Chap. 3
	Support of seasonal measures.	Rejected Alternatives	----
	Need more marine mammal survey effort in Mid-Atlantic.	Duly Noted	----

	Some commenters wanted the model to focus on right whales only since a humpback whale status review is occurring.	Duly Noted	----
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EXHIBIT 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING 2011 SCOPING MEETINGS

Topic Area	SPECIFIC COMMENT COMPONENT	Category	FEIS Section Where Addressed
Gear Modifications	Suggest weaker breaking strength for top 1/3 rd of rope.	Duly Noted	---
	Have a weak link at the top 1/3 rd of the endline.	Duly Noted	---
	Some support for 1100 lbs breaking strength.	Duly Noted	----
	Could shorten lines closest from surface link from buoy to toggle and reduce the amount of line in the water that way.	Duly Noted	----
	In Cape Cod Bay, could eliminate sinking rope requirement in top 2/3 rd of endline.	Duly Noted	----
General Comments	Some concern over lack of target or goal for vertical line reduction. Some think a target will be set in the future and whatever is proposed now will not be enough to hit this future target. Others understood the idea of trying to do what is realistic and not setting a target.	Duly Noted	----
	No additional measures are necessary due to proposed trap reductions that could potentially reduce the risk of entanglement.	Duly Noted	----
	The government could perform a buyout to reduce latent effort.	Duly Noted	----
	Get rid of singles.	Proposed Alternatives	Chap. 3
	Black sea bass gear is brought in at night so that fishery has already reduced risk of entanglement.	Duly Noted	----
	Commenter wanted to know what was necessary to amend MMPA.	Outside of Scope	---
	Ship strikes are a problem as well.	Duly Noted	---
	Commenter wanted to know what Canada is doing to reduce level of entanglement in Canadian waters.	Duly Noted	----

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