
NMFS held a 30-day scoping/public comment period following the June 30, 2003, publication in the *Federal Register* of the agency's Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Atlantic Large Whale Take Reduction Plan (ALWTRP). Eighteen sets of written comments were submitted to the agency. In addition to written comments, NMFS held six public hearings during the 30-day scoping/public comment period along the Atlantic Coast. The public hearings were held as follows:

- Fairhaven, Massachusetts, on July 7, 2003,
- Cape May, New Jersey, on July 9, 2003,
- Washington, North Carolina, on July 10, 2003,
- Portland, Maine on July, 14, 2003,
- Ellsworth, Maine, on July 15, 2003, and
- Fort Pierce, Florida, on July 17, 2003.

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:

- Gear Modifications,
- Gear Marking,
- Gillnet Fisheries,
- Lobster Trap/Pot Fisheries,
- Other Trap/Pot Fisheries,
- Dynamic Area Management and Seasonal Area Management,
- Exemptions and Closures,
- Critical Habitat,
- Observer Coverage and Vessel Monitoring Systems, and
- 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 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 commentor did not articulate specific concerns; did not suggest concrete alternatives; or did not substantiate the position advocated.

When appropriate, the reader is referred to the section or chapter of the FEIS that addresses the comment

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	Adopt seasonal closures to prohibit lobster and gillnet fishing in all designated right whale critical habitats during times when whales are known to congregate in those areas.	Proposed Alternatives and Outside Scope	Section 3.1
	Require neutrally buoyant or sinking line between all lobster traps in a trawl.	Proposed Alternatives	Section 3.1
	Implement a dynamic management approach to suspend fishing when whales are observed feeding.	Rejected Alternatives	Section 3.2
	Be consistent with previous biological opinions issued for fisheries regulated under the ALWTRP.	Duly Noted	
	The commenter urged the agency to clearly identify the whale protection standards it is required to achieve under applicable statutes.	Analyzed	Chapter 2
	The commenter requested that NMFS analyze and report all available data regarding Atlantic large whale natural history and fisheries interactions in the draft EIS in a way that identifies regulatory measures that are necessary to meet these standards.	Analyzed	Section 4.1
	The commenter requested that the following topics be analyzed: the amount and types of fishing gear used during different seasons; potential gear modifications; locations where gear is currently used or excluded; assessment of the effectiveness of all management measures implemented to date and ways to increase their effectiveness; and alternative management measures.	Analyzed	Chapter 3, Chapter 6
2	One commenter asked that NMFS provide an analysis of the effectiveness of current management measures, specifically the Dynamic Area Management (DAM), Seasonal Area Management (SAM), and disentanglement programs), in the draft EIS.	Outside of Scope	
	The commenter urged NMFS to provide information on the status of gear research and all proposed and current technologies.	Outside of Scope	
	In addition, they would like NMFS to analyze state and Federal funding options, which can be utilized to assist fishermen in changing over to “whale safe” gear.	Outside of Scope	
	Lastly, the commenter solicited NMFS to provide a comprehensive analysis of vessel impacts and potential “non-point” impacts to whales including pollution, habitat alteration and destruction by industrial fishing, mining, oil and gas activities, industrial runoff, coastal development, and ocean dumping.	Analyzed	Chapter 9
3	Several commenters supported eliminating the DAM program and modifying the SAM program regulations to be consistent with those of Cape Cod Bay Critical Habitat; they do not support temporal and/or spatial expansion of SAM areas.	Rejected Alternatives	Section 3.2
	A specific exemption area based on rocky bottom habitat.	Rejected Alternatives	Section 3.2

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	Several commenters expressed support for exempting certain groundline requirements in deep water areas.	Proposed Alternatives	Section 3.1
	The commenters asked that all considerations relative to reconfiguring critical habitat areas are fully analyzed to determine effectiveness in the draft EIS.	Outside Scope	
	Several commenters urged reassessing gear marking requirements and mandating that only new, required “low profile” line be marked.	Proposed Alternatives	Section 3.1
	Lastly, the commenters noted that NMFS should work in conjunction with on-going research projects.	Duly Noted	
4	With respect to the southern nearshore (and inshore) lobster waters and black sea bass pot fishery, two commenters expressed support for the status quo, or no action, option.	Proposed Alternatives	Section 3.1
5	One commenter expressed support for the short and long-term options developed at an ALWTRT subgroup meeting and urged NMFS to continue working with these established subgroups.	Proposed Alternatives	Section 3.1
	In addition, because there is no evidence of large whale residence during the summer months in Narragansett Bay, the commenter requested that NMFS move the current exemption line for Narragansett Bay south to be consistent with the COLEREGs line.	Proposed Alternatives	Section 3.1
6	Several commenters requested that NMFS change the calendar restrictions in the southern range of the Southeast US Restricted Area south of 29 degrees North as large whale sightings appear to be a rare event during these times. Specifically, the commenters would like the start date to change from December 1 to November 15 and the end date to change from March 31 to March 15.	Rejected Alternatives	Section 3.2
7	Several commenters urged NMFS to provide a thorough justification of the costs and benefits of any proposed measures pursuant to the ALWTRP, specifically considering cumulative impacts of current fishery management plans and other protected species regulations that have reduced fishing effort. The commenters believe that North Carolina is a transient zone for large whales and not primary habitat and, therefore, further regulations in this area are not warranted.	Analyzed	Chapter 5 (EIA) Chapter 9 (CEA)
	In addition, these commenters supported the elimination of the DAM program and using the COLREGS line to exempt Delaware Bay from ALWTRP regulations.	Proposed Alternatives	Section 3.1
8	Several commenters were concerned that Mid-Atlantic fisheries were incorporated under the ALWTRP for consistency and threat of litigation rather than actual harm to large whales.	Duly Noted	
	The commenters requested that NMFS provide a thorough justification of costs and benefits of all proposed measures pursuant to the ALWTRP.	Analyzed	Chapters 5 through 9

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	With regard to Mid-Atlantic gillnet and pot fisheries, the commenters encouraged the agency to consider available regional interaction data when defining “high risk” and “low risk” areas in order to determine whether the Mid-Atlantic region is a “high risk” area for large whales and to develop commensurate regulations.	Proposed Alternatives	Section 3.1
	The commenters supported several options from the draft EIS, specifically, eliminating the DAM program and using the COLREGS line to exempt Delaware Bay from ALWTRP regulations.	Proposed Alternatives	Section 3.1
	The commenters supported defining anchored gillnets as any gillnet with an anchor(s) present.	Proposed Alternatives	Section 3.1
	Regarding Mid-Atlantic pot fisheries, several commenters requested that NMFS consider a deep water (>125 fathoms) and rocky bottom area exemptions.	Proposed Alternatives	Section 3.1
	These commenters do not support a universal sinking line requirement for groundlines because they believe the benefit to large whales in the Mid-Atlantic region is not commensurate with the financial burden placed on industry.	Analyzed	Chapters 5 through 9
	The commenters expressed support for cooperative research efforts to lower the profile of groundlines, provided that fishermen can successfully locate and retrieve gear via grappling, and to test various line types.	Duly Noted	
	Relating to economic impact, the commenters urged the agency to consider the several issues in the DEIS. First, the commenters requested that the agency analyze the economic impact of each option as it relates to large whales (e.g., observed interactions by gear type, region, etc.) and regulatory burden to the industry.	Analyzed	Chapter 6
	Next, when estimating the costs of options that require changing line type, the commenters urged the agency to first take into account the monetary loss of existing line inventory, initial replacement costs, and annual replacement costs.	Analyzed	Chapter 6
	The commenters requested that when calculating the ability of the industry to recover economic losses due to gear mitigation measures, NMFS consider price per pound of target species, current impacts of fishery management plans, and alternative fisheries available.	Analyzed	Chapter 9
	Furthermore, these commenters requested that annual gear loss due to reduced grappling effectiveness be analyzed in the draft EIS.	Analyzed	Chapter 6
	The commenters suggested that providing regionally based exemption areas that NMFS’ deems appropriate and justifiable will help mitigate negative socioeconomic impacts.	Proposed Alternatives	Section 3.1

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	Finally, these commenters requested that cumulative impacts from fishery management plans and protected species regulations are considered when estimating negative fiscal impacts and cost recovery strategies.	Analyzed	Chapter 9
9	One commenter urged NMFS to require all commercial fishing industry personnel to complete training in marine debris awareness and elimination as well as to require all commercial fishing industry personnel responsible for navigation to attend training on ship strike avoidance and reporting because NMFS imposes these requirements on other Federal agencies, but not the sectors it regulates directly. Furthermore, the commenter suggested that NMFS develop a strategic plan to provide incentives to commercial fishermen who retain and appropriately dispose of any and all marine debris within the course of their operations.	Outside of Scope	
10	One commenter supported the implementation of exempted areas similar to current and proposed areas for the appropriate ALWTRP lobster management areas as it applies to black sea bass, scup, conch/whelk and shrimp trap/pot fisheries in Long Island Sound.	Proposed Alternatives	Section 3.1
11	Several commenters urged NMFS to be flexible when writing new regulations under the ALWTRP. The commenters asked NMFS not to consider any regulations that pose a high safety risk to fishermen or which are not operationally feasible for industry.	Duly Noted	
	The commenters remarked on several of the options presented during scoping. Specifically, the commenters support eliminating the DAM and SAM programs because they believe the programs pose a safety risk to industry and are unreasonable to comply with.	Proposed Alternatives	Section 3.1
	Next, they support the use of weak links on all flotation devices as well as buoy lines comprised of two-thirds sink line and one-third float rope.	Proposed Alternatives	Section 3.1
	The commenters do not support the elimination of floating groundlines mainly because they believe it would increase gear losses.	Analyzed	Chapter 6
	However, the commenters do support lowering the profile of groundline to a certain height off the bottom, which has yet to be determined, in high risk areas.	Duly Noted	
	Regarding exempted areas, the commenters support the proposal submitted by the state of Maine and urge NMFS to explore exempted areas based on entanglement risk.	Proposed Alternatives	Section 3.1
	The commenters support maintaining the status quo option for right whale critical habitat, but also supports adjusting the time period of existing critical habitat so as to be consistent with the Commonwealth of Massachusetts.	Rejected Alternatives	Section 3.2
	These commenters do not support additional gear marking requirements; however, if they are deemed necessary, the commenters suggest asking manufacturers to produce rope with marking embedded in the core.	Rejected Alternatives	Section 3.2

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	The commenters do not support banning the use of rope coils on the buoy lines.	Rejected Alternatives	Section 3.2
	Regarding trawls, these commenters believe that lobstermen fishing five or more traps in Federal waters should be allowed to have two buoy lines.	Proposed Alternatives	Section 3.1
	In terms of the implementation schedule for new regulations under the ALWTRP, the commenters urge NMFS to consider different phase in times for gear modifications even though they do support the 2008 deadline referenced in the scoping document.	Proposed Alternatives	Section 3.1
12	One commenter recommended that regulations be changed to allow trawls with five or more traps to utilize two endlines. ¹	Proposed Alternatives	Section 3.1
	The commenter supports adding all fixed gear trap/pot fisheries not currently included under the ALWTRP.	Proposed Alternatives	Section 3.1
	The commenter supports using gear modifications and seasonal requirements to eliminate the SAM and DAM programs by 2006.	Proposed Alternatives	Section 3.1
	The commenter is concerned about operational issues posed by weak links on leadlines or other weights used to reduce the profile of groundline.	Duly Noted	
	The commenter supports expansion of exempted areas.	Proposed Alternatives	Section 3.1
	Commenter supports maintaining current critical habitat exempted areas and supports reanalyzing data with the possibility of reconfiguring boundaries.	Outside of Scope	
	Commenter supports maintaining status quo gear marking system until further research is conducted. Commenter believes that changes should be implemented over time and coordinated with gear manufacturers to reduce costs and operational challenges. They also recommend a gear marking scheme where the core of the line is marked to delineate specific parts of the gear (e.g., endline, groundline) as well as fishery and geographic region.	Duly Noted	
	Commenter objects to regulatory language change prohibiting flotation devices on groundlines. Recommends defining “low profile” line based on results from Maine’s state remotely operated vehicle surveys.	Duly Noted	

¹ Comments were noted exactly as they were received. When used, the term “endline” is synonymous with “buoy line.”

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
13	One commenter suggested several specific recommendations to NMFS. First, the commenter urged NMFS to make realistic entanglement rate statistics widely available to the public and the media. The commenter noted that there are sources other than the NMFS Large Whale Entanglement Reports available for entanglement information.	Analyzed, Duly Noted	Chapter 2
	Next, the commenter suggested that NMFS remove disentanglement as a take reduction measure under the ALWTRP.	Duly Noted	
	The commenter also supported eliminating all time/area management measures (e.g., DAM, SAM, and critical habitat) in lieu of gear modifications, such as eliminating floating rope via a Federal buyback program.	Proposed Alternatives	Section 3.1
	In addition, the commenter supported a gear marking scheme that readily allows for distinction between different parts of the gear system.	Duly Noted	
14	One commenter supported the elimination of the DAM and SAM programs for the Northern inshore and nearshore lobster fishery and the Northeast anchored gillnet fishery.	Proposed Alternatives	Section 3.1
	Regarding low-profile groundline, the commenter supported development and implementation by 2008.	Proposed Alternatives	Section 3.1
	Regarding low-profile groundline, include an annual phase-in period for “high risk” areas of Maine’s nearshore tidal and rocky habitats.	Rejected Alternatives	Section 3.2
	In addition, the commenter strongly supported expanding proposed exempted areas off the coast of Maine, given few sightings of right whales in these areas.	Proposed Alternatives	Section 3.1
15	One commenter suggested that NMFS examine recommendations and current measures of both the ALWTRP and the Area 1 rules for the northern inshore, nearshore, and offshore lobster waters.	Duly Noted	
	The commenter supported replacing the DAM and SAM programs with reduction of fishing effort and gear modifications, specifically by lowering the profile of all rope.	Proposed Alternatives	Section 3.1
	If fishing effort were reduced, the commenter noted that geographical historical participation should be considered.	Duly Noted	
	This commenter is opposed to one buoy line per trawl because it will increase gear loss.	Duly Noted	
	The commenter supports 600lb weak links in the Grand Manan channel.	Rejected Alternatives	Section 3.2
	The commenter supports the prohibition on coils of rope, and keeping buoy lines as knotless as possible.	Proposed Alternatives	Section 3.1

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	Finally, the commenter supported the Maine Department of Resources proposed exempted areas inside headlands provided this does not cause additional gear congestion by fishermen who are trying to avoid ALWTRP regulations.	Duly Noted	
16	Several commenters urged NMFS to implement year-round risk reduction measures throughout the range of right whales.	Proposed Alternatives	Section 3.1
	The commenters urged NMFS to develop a contingency plan in the event that the proposed risk reduction measures prove unsuccessful.	Duly Noted	
	The commenters provided several recommendations on the DAM and SAM programs, critical habitat, and specific fisheries covered under the ALWTRP. Regarding the DAM program, the commenters recommend that all future DAM actions be mandatory and that NMFS expedite the process of declaring a DAM zone. They support mandatory removal of all gillnet gear from DAM zones as well as use of trap/pot gear only with a single endline that contains a 600 pound weak link and no floating groundline.	Rejected Alternatives	Section 3.2
	The commenter also proposed extending DAM zones farther south than the current limit of 40 degrees latitude.	Duly Noted	
	Regarding the SAM program, the commenters recommended extending risk reduction measures in both time and space to encompass whales that use SAM areas before or after SAM is effective and to provide protection in other high use areas, e.g., Jeffrey’s Ledge. The commenters suggest implementing year round SAM areas by the 2004 fishing season and until all fisheries phase out non-floating line and until risk from vertical lines in the water column is reduced.	Rejected Alternatives	Section 3.2
	Commenters strongly support reconfiguring the boundaries of critical habitat using current survey and sightings data.	Proposed Alternatives	Section 3.1
	Furthermore, the commenters propose adding the “sliver” area to Great South Channel critical habitat and banning all gillnetting in this area during the critical habitat closure.	Proposed Alternatives	Section 3.1
	The commenters proposed including all trap/pot fisheries that utilize a buoy to the surface under the ALWTRP regulations.	Proposed Alternatives	Section 3.1
	The commenters support simultaneous implementation of the same risk reduction measures for northern nearshore/inshore and southern nearshore waters.	Proposed Alternatives	Section 3.1
	Additionally, the commenters urged that all risk reduction options listed on the ALWTRP Lobster Take Reduction Technology List be required for all northern nearshore/inshore and southern nearshore waters.	Proposed Alternatives	Section 3.1
Commenters recommended including non-shellfish trap/pot fisheries (e.g., black sea bass, scup, hagfish) under the ALWTRP. Commenters believe these fisheries should adhere to the same requirements as crab, lobster, and other shellfish fisheries.	Proposed Alternatives	Section 3.1	

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	However, commenters supported exempting single pots from weak link requirements.	Duly Noted	
	Commenters supported exempting offshore trap/pot fishermen from non-floating groundline requirements provided they are fishing in waters greater than 250 fathoms.	Proposed Alternatives	Section 3.1
	Regarding gillnets, the commenters recommend requiring all gear to have non-floating groundline, five weak links not greater than 1100 pounds per net panel, and at least a 22 pound Danforth style anchor at each end. Commenters felt that once gillnets which are weighted to the bottom but not anchored are redefined, restrictions should be similar to the Mid-Atlantic driftnet fishery.	Proposed Alternatives	Section 3.1
	Regarding Mid-Atlantic drift gillnets and sink nets, the commenters suggest implementing restrictions similar to the southeast, i.e., November 15-March 31.	Proposed Alternatives	Section 3.1
	Regarding the shark gillnet fishery, the commenters support current restrictions for southeastern gillnet and driftnet fisheries as well as the use of vessel monitoring systems to reduce (but not replace) the use of observers.	Proposed Alternatives	Section 3.1
	However, the commenters do not support exempting certain mesh sizes or reducing time or area in which regulations apply.	Duly Noted	
	In terms of gear marking, they suggest that all non-floating line be of a similar color, or with a similar marking system, to allow for simple identification of gear involved in entanglements.	Duly Noted	
	Additionally, the commenters suggest marking buoys such that owner and/or vessel can be identified.	Proposed Alternatives	Section 3.1
	The commenters recommend that NMFS accelerate gear research to reduce risk posed by vertical lines in the water column.	Duly Noted	
	Lastly, the commenters urged NMFS to undertake additional research, e.g., surveying Maine's coastal areas, the Mid-Atlantic, and offshore areas.	Duly Noted	
17	One commenter supported the status quo (no change) option for gear modifications to the lobster trap/pot fishery.	Duly Noted	
18	Several commenters suggested that NMFS should develop comprehensive management alternatives, not just gear modifications, that can be meaningfully compared to one another.	Proposed Alternatives	Section 3.1
	These commenters recommended that NMFS develop and secure funds for a fishing line recycling and/or buy-back program to replace floating groundline with non-floating line.	Duly Noted	
	Regarding the DAM program, these commenters supported eliminating it and focusing instead on more aggressive gear modifications.	Proposed Alternatives	Section 3.1

Exhibit 2-1

SUMMARY OF WRITTEN SCOPING COMMENTS RECEIVED

Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
	One commenter provided a series of options, based on several guiding principles (e.g., strengthening existing gear modifications, expanding SAM areas and requirements, and reducing buoy lines).	Proposed Alternatives	Section 3.1
<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	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications	1	One commenter stated that weak links should be lowered below 3,780 pounds for the offshore red crab fishery.	Proposed Alternatives	Section 3.1
	2	One commenter stated that requirements for black sea bass pots should not be same as those for lobster pots since the black sea bass pots are so light that a breakaway or weak link would serve no purpose due to the lack of resistance from the pot.	Rejected Alternatives	Section 3.2
	3	One commenter stated that sinking lines would be a problem for black sea bass pots as they would have a tendency to get entangled in the coral and to have a greater environmental impact than the lines currently used.	Analyzed	Chapter 5
	4	One commenter stated that sinking line on the buoy line would not affect lobster fishermen. This change could be made without putting lobstermen out of business. Only sinking groundline would create problems.	Analyzed	Chapter 7
	5	One commenter did not support a requirement for sink line. Several commenters stated that upper two-thirds of the buoy line as sink line is the most that would be supported for certain areas, not all areas, of the lobster fishery.	Rejected Alternatives	Section 3.2
	6	One commenter supported a requirement that fishermen would bring their nets ashore if they were using sink gillnets or nets that were held to the bottom by the lead line. If they were to leave the nets overnight, the commenter supported requiring them to anchor them and using weak links, etc.	Duly Noted	
	7	One commenter supported a measure that would require any gillnets left out to be anchored year-round, rather than just during the winter months.	Proposed Alternatives	Section 3.1
	8	One commenter cautioned against requiring lead line weighing a specific amount per yard as it may sink the gillnet boats.	Duly Noted	
	9	One commenter would like to see NMFS develop a long-term plan for the Mid-Atlantic regarding risk reduction of vertical lines by 2008.	Proposed Alternatives	Section 3.1
	10	One commenter stated that NMFS most likely does not have the budget for enforcement to be out measuring every one of each fishermen's endlines. Thus, NMFS needs the fishermen to be on board with what they are proposing to do. To help ensure cooperation, the fishermen need options available to them.	Outside of Scope	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications (Continued....)	11	One commenter cautioned NMFS regarding any regulation that specified a number of traps on a trawl. The commenter explained that the smaller vessels and older fishermen could not handle large trawls.	Duly Noted	
	12	Several commenters stated that one buoy line per trawl or string would create too much loss of gear and ghost gear on the bottom.	Analyzed	Chapter 6
		In addition, one commenter stated that ghost gear would kill thousands of lobsters and bycatch needlessly.	Analyzed	Chapter 5
		No one would know where the other person's gear is if there is only one buoy per trawl. Thus, everyone would be forced to fish pairs, which also would not work well with only one buoy line.	Proposed Alternatives	Section 3.1
	13	One commenter stated that the regulations should keep all three terms: floating line, sinking line, and neutrally buoyant line.	Proposed Alternatives	Section 3.1
	14	One commenter stated that asking the fishermen whether they would want to create a low profile line serves no purpose. The commenter stated that NMFS is wasting the fishermen's time and resources by requiring actions, such as gear marking, that are not serving the agency's needs. The commenter stated that before the fishermen propose a specific type of line, they need to know from NMFS what the whales do at the bottom and how close they get to the bottom.	Duly Noted	
	15	Several commenters supported a phase-in of sinking or neutrally buoyant line by 2006.	Proposed Alternatives	Section 3.1
	16	One commenter stated that research needs to be fast-tracked on vertical lines.	Duly Noted	
17	One commenter stated that five trap trawls should be allowed in Federal waters in Area 1. With pairs, which are allowed, there is one trap per vertical line. Thus, a five trap trawl would have two and a half traps per vertical line, which would reduce the number of vertical lines per trap in the water. The commenter stated that fishermen who fished five trap trawls had to go to pairs because they did not want to go to six trap trawls, which increases the number of vertical lines in the water.	Proposed Alternatives	Section 3.1	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications (Continued....)	18	One commenter stated that one buoy line for a five trap trawl, which is currently legal, is not practical due to heavy traffic. Every time a buoy was lost, five traps would be lost, which would increase ghost gear. Thus, fishermen would go to fishing pairs or longer strings.	Proposed Alternatives	Section 3.1
	19	One commenter added that when the regulation went into effect previously, he could no longer fish four trap trawls with two endlines. Thus, he went to fishing two pairs for each four trap trawl, which increases the number of vertical lines in the water by a factor of two.	Proposed Alternatives	Section 3.1
	20	One commenter stated that he did not support having breakaways on the buoy surface apparatus due to the loss of buoys. In addition, a knotless buoy line would translate into losing five or six fathoms of line when, for example, a tanker gets the buoy. Thus, you would have to splice five or six fathoms of rope every time and never get anything hauled.	Duly Noted	
	21	One commenter stated that requiring breakaways on toggles would be a needless expense. The commenter stated that where fishermen use toggles is inshore; toggles are not used offshore where whales are most likely located.	Rejected Alternatives	Section 3.2
	22	One commenter stated that the breakaways are helpful in that when fishing pairs with no sinking line between traps, gear recovery chances are heightened by a large degree.	Duly Noted	
	23	One commenter did not support the requirement of a particular weight size being written into law. In addition, requiring the use of a weight in the middle of a groundline could easily capture a person's finger on his glove or on his hand. Thus, this would be a liability and a safety issue.	Duly Noted	
	24	One commenter stated that to change 25 percent of line in a year would require a big increase in the price of lobsters.	Analyzed	Chapters 6, 7
	25	One commenter stated that the weakened gear required is easily tampered and/or broken by ships, barges, and sailboats. The commenter requested that NMFS mention and/or warn people that the fishermen are trying to do their part for the large whale species, so please do respect their efforts and give them courtesy of trying to stay out of the gear. In addition, the commenter stated that this announcement would aid in reducing the ghost gear problem.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications (Continued....)	26	One commenter stated that the weak link with the hog rings does work based on hauling up a lot of gear with all of the float gear being completely gone.	Duly Noted	
	27	One commenter stated that he would not be in favor of tying any type of lead onto his line.	Duly Noted	
	28	One commenter stated that when fishing in deeper waters in Down East Maine with the large tide, he uses more than 50 percent float rope and the rest of the rope used is sinking line. Thus, the one-third float rope proposal would not work for the fisheries in this area. Several commenters stated that such a requirement (one-third float rope) should not be applied universally since more than one-third floating rope is sometimes required to prosecute the fishery in some areas. The agency should consider specific areas where this would not be operationally feasible.	Rejected Alternatives	Section 3.2
	29	One commenter supported lower profiles of the line. Several commenters stated that the Maine DMR and the fishermen would be happy to experiment with low profile line.	Proposed Alternatives	Section 3.1
	30	One commenter stated that the elimination of float rope would put fishermen out of business and people would fight such a regulation.	Analyzed	Chapters 6, 7
	31	One commenter stated that anchoring trawls at both ends and pulling taut has the effect as would using a low profile line. Thus, no new management measure is needed regarding low profile line.	Duly Noted	
	32	Several commenters stated that sink line would wear too much when used in areas around wrecks or rocky (hard) bottom areas. The wear would result in many lost traps.	Duly Noted	
		In addition, one commenter claimed that using sink line in such areas would put lobstermen out of business due to the loss of traps.	Analyzed	Chapter 6, 7
		One commenter also suggested that loss of traps and sinking line would result in more environmental harm.	Analyzed	Chapter 5
		Furthermore, one commenter stated that the tides in Down East Maine are too great to use sinking line.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications (Continued....)	33	One commenter also stated that sinking line is dangerous because when you pull a knot out of sinking line, traps would come up all at once as opposed to when removing knots from poly line. In addition, the sinking rope is like a piece of wire and cannot be tucked or spliced back together. This would add more time when setting/hauling the traps. Since the rope can not be tucked or spliced back together new rope would have to be purchased each year, which would further strain the lobster fishery.	Duly Noted	
		The commenter suggested that NMFS provide aid in getting the fishermen the required rope.	Outside of Scope	
	34	One commenter stated he was against using a single buoy for traps.	Duly Noted	
	35	One commenter stated he was against a requirement of a knotless buoy line.	Duly Noted	
	36	One commenter stated that requiring a changing of line should be gradually phased-in. For example, require fishermen to change the line of his runners 25 percent the first year, 50 percent the second year, etc. Such a phase-in would also allow NMFS a chance to find out what brand rope is most feasible to use. One commenter stated that the fishermen want to know that whichever rope is mandated should have already been tested and proven to work.	Proposed Alternatives	Section 3.1
	37	One commenter raised the issue of what is going happen if everyone on the coast goes to sinking rope and whales are still being entangled.	Outside of Scope	
	38	One commenter supported gear modifications and would continue to do so. The commenter stated that the worst thing that the agency could do would be to stop the ongoing work on gear modifications with the state and the industry.	Duly Noted	
	39	One commenter stated that weak links for single pot gear are not practicable.	Duly Noted	
	40	One commenter stated that a provision for an adequate weighting of non-anchored driftnets is needed to make the weak links effective or look toward vertical line modifications as some substitutes.	Duly Noted	
	41	One commenter would like to see a financial analysis of what it would cost for the various proposed gear modification options and management measures along the eastern seaboard. Included in this analysis should be a range of costs and sources of income that could be brought to bear on these measures.	Analyzed	Chapter 6

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications (Continued....)	42	One commenter requested that as part of a buyback program of poly line that NMFS describe how the poly would be recycled or what use would be found for the material.	Outside of Scope	
	43	One commenter recommended that the definition of neutrally buoyant line be scratched since it is too weak. The commenter suggested that neutrally buoyant line is simply a lightweight version of sink line. The commenter would support a line if industry can come up with a line that stays a couple of feet off the bottom and does not float up into an arc.	Duly Noted	
	44	One commenter suggested using metal weights, as many as needed, on floating rope to lower the profile of the rope in the water. The commenter stated that safety issues would be the same as having a toggle come up at you.	Duly Noted	
	45	One commenter stated that it is troubling to see the use of “not yet defined,” unless the public has the opportunity to comment on the definition at some point before being made a regulation.	Duly Noted	
	46	Several commenters did not support neutrally buoyant line since it chafes easily. Thus, gear is often lost making it impractical to use.	Analyzed	Chapter 6
	47	Several commenters supported the Maine Department of Marine Resources plan to eliminate a lot of the problems that NMFS is having, which includes an exemption line and the addition of a third breakaway link to the buoy surface apparatus. This proposal would allow fishermen who fish high flyers and poly balls to have 600 pound breakaway links on each buoy and an 1,100 pound breakaway link below the surface.	Duly Noted	
	48	One commenter stated that breakaways may be dangerous on a buoy line. However, toggles are not an issue unless a knotless connection was mandated. For example, the commenter stated that if someone cuts your rope and you do not have another piece of rope onboard, how do you mend the rope without having a knot.	Duly Noted	
	49	One commenter suggested that some consideration should be given as to how many traps per trawl for sinking line versus floating line.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Modifications (Continued....)	50	Several commenters stated that rope should be allowed to coiled down from the buoy line some instead of right at the buoy. If the rope is not coiled, much more rope would be in the water. In addition, one commenter stated that if the rope is not coiled the result would be more knots on the endlines.	Duly Noted	
	51	One commenter stated that if the regulations require all sinking line, then more toggles would need to be added to ensure that the buoy is not dragged under the water surface. The added toggles would then create more loops in the water than if some floating line was allowed.	Rejected Alternatives	Section 3.2
	52	One commenter stated that if there is a toggle on the trap line it would be more economical and more practical to add a smaller diameter line rather than a weak link. The commenter suggested that the regulations include the option of either using a weak link or lighter diameter line.	Duly Noted	
Gear Marking	1	Several commenters supported marking the buoy line if it was manufactured along the entire length in the core of the rope and was implemented over time (8 to 10 years). Several commenters also supported marking the groundlines this way as well, but with a different color from the endlines. In addition, several commenters stated that the core of the rope should be the marking line but that the rest of the rope should be in different colors so fishermen could more easily identify their traps and rope.	Duly Noted	
	2	One commenter stated that line marking is not necessary and did not understand how any data generated by it would be used.	Duly Noted	
	3	One commenter suggested that NMFS look at the various marking requirements of all of the states to see if there is a gear marking system in place that may be improved.	Duly Noted	
	4	One commenter supported identifying the owner of the pots or the type of gear with the pot by marking the buoy line.	Duly Noted	
	5	One commenter stated that there is no benefit to restricting Federal lobstermen further or adding more gear marking regulations for them to follow when there are other fisheries that are not doing anything to address whale issue. One commenter stated that all fisheries should be required to mark their gear before additional regulations are placed on the Federal lobstermen.	Proposed Alternatives	Section 3.1

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Marking (Continued...)	6	One commenter asked why fishermen in state waters are not required to mark their gear.	Duly Noted	
	7	One commenter stated that it is self-serving to the industry to have a good marking system so that NMFS can then identify where the real problem is and manage specific areas/fisheries in the future.	Duly Noted	
	8	One commenter stated that it is self-serving to the industry to have a good marking system so that NMFS can then identify where the real problem is and manage specific areas/fisheries in the future.	Duly Noted	
	9	One commenter stated that he did not see what was wrong with the gear marking regulations currently in place. No one knows whether the gear marking regulations in effect are currently working or are not. In addition, the commenter requested to know the cost of additional gear marking regulations. Several commenters reiterated that the required changes to gear marking and/or gear modifications need to be operationally practical and economical.	Rejected Alternatives	Section 3.2
	10	One commenter stated that because NMFS is not seeing marked gear on entangled whales does not mean that the current gear marking regulations are not working. The commenter asked why NMFS is proposing to change current gear marking regulations if NMFS does not know how well it is working.	Duly Noted	
	11	One commenter was against specific colors for gear marking each fishery because you may have lobster and black sea bass pots but only one color rope onboard.	Duly Noted	
	12	One commenter was against marking lines with paint since you may not always have red paint available when you are replacing rope out at sea.	Duly Noted	
	13	One commenter did not support marking buoy lines but did support marking buoys.	Duly Noted	
	14	One commenter said that it is difficult to support gear marking since it would be tedious to trace gear back to a specific fishery because gear marking rules are so widespread. In addition, NMFS would have to prohibit marking gear the same way in other areas, such as Canada, because you could receive some misleading information.	Duly Noted	
	15	One commenter stated that if fishermen are given a pass on certain gear modifications that is where gear marking should be required.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gear Marking (Continued...)	16	One commenter stated that gear marking should be made universal so that gear can be enforced on the boat or on the dock.	Duly Noted	
	17	One commenter suggested color-coded line for breaking strength or color-coded gear markings for breaking strength of line. In addition, the commenter suggested a different color line specifically for vertical lines.	Duly Noted	
	18	One commenter stated that gear markings should not be same off the coast of Florida as farther north.	Duly Noted	
	19	One commenter stated that it did not matter geographically from where this gear came. However, the commenter stated that it was important to know whether the gear was groundline or endlines. It would be beneficial to be able to gather information as to which type of line it is from the air by gear marking.	Duly Noted	
	20	One commenter stated that gear should be marked by type of rope. Otherwise, how would enforcement be able to determine whether someone has used float rope, neutrally buoyant rope, or sink rope. The commenter asked how the rope type would be enforced.	Duly Noted	
Gillnet Fisheries	1	One commenter recommended not combining any of the North Carolina gillnets with a drift net definition. The commenter stated that North Carolina fishermen use nets that are commonly called sink nets, which are held to the bottom by the weight of the lead line. These nets may also be called stab nets in some areas.	Duly Noted	
	2	One commenter stated that it would be helpful to the fishermen to reconcile the definitions of gillnet fisheries and the list of fisheries with both the whale plan and the dolphin plan.	Outside of Scope	
	3	Two commenters stressed the importance that regulations regarding gillnets be consistent for both the Bottlenose Dolphin TRP and the Large Whale TRP.	Outside of Scope	
	4	One commenter supported a change in the season to November 15 th to April 15 th , but only if the definition of anchored gillnet is defined as a net that has actual anchors present. Otherwise, gear changes would be required in other fisheries that do not harm whales.	Proposed Alternatives	Section 3.1
	5	One commenter stated that an anchored gillnet should be defined as a gillnet with an anchor on it. If there is no anchor present, then it should be classified as a drift net.	Proposed Alternatives	Section 3.1

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Gillnet Fisheries (Continued...)	6	One commenter stated that gillnets that are bottom gillnets that are not anchored should be regulated but not the same way as anchored gillnets.	Proposed Alternatives	Section 3.1
	7	Several commenters suggested that the time period at the southern end of the 29°00' to 27° 51' zone be changed from December 1 through March 31 to November 15 through March 15 for shark gillnetting.	Proposed Alternatives	Section 3.1
		In addition, one commenter stressed that there should be rolling steps for the closure in this block since currently the closure affects 400 miles at one time. Several commenters supported a rolling southern boundary and one commenter supported a rolling northern boundary, too. In addition, the commenters were not concerned with whether the eastern boundary continued or was removed.	Duly Noted	
	8	Several commenters suggested a change in the definitions of sunrise and sunset to make it easier for people to operate gillnets at the end of November or the last two weeks of March. The commenters supported modifying the definition of "Night" to mean one hour after sunset and one hour prior to sunrise. In addition, mackerel fishermen could catch more fish by being able to fish closer to the normal sunrise.	Duly Noted	
	9	One commenter stated that allowing the additional two weeks time in March would mean a lot to fishermen and their families. Such a change might result in an additional \$20,000 for a fishing crew.	Duly Noted	
	10	Two commenters stated that anchored gillnets means stationary gillnets.	Duly Noted	
	11	One commenter stated that if shark fishing would be modified, exempt gillnets less than five-inches as long as it coincides with Spanish mackerel gillnet gear.	Duly Noted	
	12	Several commenters stated that no gillnet fishermen attended the public hearing in Maine because the government has done a great job of eliminating them already.	Duly Noted	
	13	One commenter stated that he would rather strike at night for Spanish mackerel.	Duly Noted	
	14	One commenter supported setting strike nets at night without a plane once the sharks are located.	Duly Noted	
	15	One commenter stated that near False Cape every net is drifting. If one person anchors a net, the other nets are going to interfere.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Lobster Trap/Pot Fisheries	1	One commenter believes that there should be no action (<i>i.e.</i> , no new management measures) for the southern nearshore lobster waters or inshore lobster waters.	Proposed Alternatives	Section 3.1
	2	One commenter requested proof from NMFS that whales are getting caught in runners of the lobster fishery.	Outside of Scope	
Other Trap/Pot Fisheries	1	One commenter stated that the black sea bass pot fishery from the North Carolina/Virginia border south should be treated differently than the fishery from Virginia to the north because the fishery is prosecuted differently. For example, the commenter stated that from North Carolina south, the black sea bass pots are very similar to crab pots. They are very light in weight, are baited, and are approximately two feet square. It is extremely rare that more than one pot is set per buoy line. From Virginia north, black sea bass fishermen use a habitat pot that is not baited. It is a much larger pot in comparison, a heavier pot, and is left out for an extended period of time.	Duly Noted	
	2	One commenter believes that there should be no action (<i>i.e.</i> , no new management measures) for the southern black sea bass waters.	Proposed Alternatives	Section 3.1
	3	One commenter stated that the offshore red crab fishery should be included in the Take Reduction Plan.	Proposed Alternatives	Section 3.1
Dynamic Area Management and Seasonal Area Management	1	One commenter supported the elimination of the DAM program in the southern area of the Atlantic Coast.	Proposed Alternatives	Section 3.1
	2	Several commenters supported removing both the SAM and DAM requirements. One commenter noted that it is impossible to bring all the gear ashore in such a short period of time since there is no place to put it. In addition, the weather often adds an additional safety risk to removing the gear in time. Thus, something that is not feasible should not be part of the regulations since it would be doomed to failure.	Proposed Alternatives	Section 3.1

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Dynamic Area Management and Seasonal Area Management (Continued...)	3	One commenter stated how long overdue the proposed take reduction plan is. The commenter supported immediate short-term measures, including a dramatic expansion of the SAM and mandatory use of DAMs (especially for the gillnet fisheries) as opposed to voluntary use. The expanded SAM should include Jeffrey's Ledge and some of the areas in Wilkinson Basin based on sightings of right whales.	Rejected Alternatives	Section 3.2
	4	One commenter stated that DAMs need to be larger.	Duly Noted	
	5	One commenter stated that DAMs need to be in place for the offshore lobster fishery. The DAMs should be mandatory and a requirement should be to drop an endline at the very minimum.	Rejected Alternatives	Section 3.2
	6	The expanded SAM should include black sea bass, hagfish, and the Jonah crab fisheries.	Proposed Alternatives	Section 3.1
	7	One commenter stated that NMFS should expand DAMs south of the 40 degree line.	Rejected Alternatives	Section 3.2
	8	One commenter stated that mandatory DAMs should be allowed to be put into critical habitat areas.	Duly Noted	
	9	The commenter suggested that NMFS use DAMs in the critical habitat area.	Duly Noted	
	10	One commenter stated that there is no scientific study that supports the use of DAMs. In addition, the commenter stated that time/area closures could increase risk to the animals because of displacement of gear from those closed areas. The whales are constantly moving in and out of those closures and may be encountering artificially higher densities of gear outside of the closures. One commenter stated that the potential for building a wall of rope around these areas as a result of displaced gear is real. In Maine, one commenter stated that there is no place to put the gear after removal from the DAM zone because people in the midcoast area of Maine fish territories.	Duly Noted	
	11	One commenter stated that DAMs need to be decreased or eliminated as soon as other measures are simultaneously increased.	Proposed Alternatives	Section 3.1
	Exemptions and Closures	1	One commenter encouraged NMFS to consider the recent closures implemented by the Southeast Region and their implications in reduced fishing efforts.	Duly Noted

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Exemptions and Closures (Continued...)	2	One commenter supported using COLREGS as the demarcation line for the State of North Carolina. Another commenter supported using COLREGS as the demarcation line to exempt Delaware Bay from any restrictions.	Proposed Alternatives	Section 3.1
	3	One commenter stated that the offshore red crab fishery should be exempt from the requirement of neutrally buoyant line in depths greater than 250 fathoms.	Proposed Alternatives	Section 3.1
	4	One commenter stated that drop pots in the snapper/grouper fishery should be exempt from sink line requirements.	Duly Noted	
	5	One commenter stated that North Carolina waters serve as a migration route rather than an overwintering area like you would observe off of Georgia or the concentrations of whales that you find in the Gulf of Maine during the summer months. Thus, the commenter recommended that the plan give strong consideration to no action or an exemption for the pots from North Carolina south.	Proposed Alternatives	Section 3.1
	6	One commenter suggested that inshore lobster waters should be included in exempted areas. Several commenters suggested that the demarcation line include anything from the headlands inshore.	Proposed Alternatives	Section 3.1
	7	One commenter stated that for lobster pots/traps fishermen should be allowed to use 1100-pound weak links on their high-flyers.	Rejected Alternatives	Section 3.2
	8	One commenter requested an exemption for rocky areas, specifically along Mud Hole at 17 fathoms all the way out to Glory Hole at 550 fathoms.	Rejected Alternatives	Section 3.2
	9	One commenter suggested that the exemption line be drawn from the southern point of Great Duck Island directly to Schoodic Point in Maine. The commenter warned against the line going in towards Bakers and then back out since there is a lot of hard bottom in that area where floating rope is needed.	Duly Noted	
	10	One commenter suggested that an exception to the State of Maine line should be made so that it is not at 2KR, but that it is off of the Isle of Shoals instead of at the mouth of the Piscataqua River.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
Exemptions and Closures (Continued...)	11	One commenter stated that exemption line should go to state waters in Maine, with the exception of Mount Desert Rock. In addition, since a high percentage of entangled whales are entangled by the mouth, these entanglement are likely occurring during feeding. Since there is not important feeding habitat of North Atlantic right whales within state waters of Maine, the commenter proposed that the line could be moved farther offshore.	Duly Noted	
	12	One commenter supported changing the closures in Cape Cod Bay to align with that of the Commonwealth of Massachusetts.	Proposed Alternatives	Section 3.1
		The commenter stated that NMFS needs to reanalyze all of the sightings and potentially expand critical habitat.	Outside of Scope	
	13	One commenter supported exempting bays and harbors, and exempting fishing beyond 350 fathoms from the sinking line requirements.	Duly Noted	
		In addition, the commenter supported exempting Long Island Sound.	Proposed Alternatives	Section 3.1
14	One commenter stated that it is a waste of the fishermen's time and resources to regulate gear within the demarcation line since whales are rarely found in those inshore areas, including Portland Harbor.	Duly Noted		
Critical Habitat	1	One commenter stated that critical habitat needs to be redefined for right whales.	Duly Noted	
	2	One commenter requested that the sliver area and the rest of the critical habitat in the Great South Channel be closed to gillnetting.	Duly Noted	
	3	One commenter did not support allowing fishing in the very southern part of the critical habitat.	Duly Noted	
Observer Coverage and Vessel Monitoring Systems	1	One commenter supported using VMS, as long as it was accurate, in lieu of some of the observer coverage in waters off the coast of Florida.	Proposed Alternatives	Section 3.1
	2	The commenter would support the use of vessel monitoring systems on those boats but would also request that observe coverage go along with that.	Proposed Alternatives	Section 3.1

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
General Comments	1	One commenter stated that 2008 is too long to wait for implementation of these proposed measures.	Duly Noted	
	2	One commenter stated that the Canadian government cut funding for their entanglement program. Thus, without the cooperation of all involved, including the Canadians, the number of whale entanglements would not decrease.	Duly Noted	
	3	One commenter stated that each fishermen, even from the same harbor, fishes differently. Thus, the regulations should provide various options, which would allow flexibility. The options allow the fishermen to conduct business in a way that works for the fishermen as individuals.	Duly Noted	
	4	One commenter stated that part of the problem is that NMFS is focusing on small pieces of the larger problem.	Duly Noted	
	5	One commenter stated that this plan emphasizes protecting a particular species while sacrificing every other environmental issue related to trap and pot fishing.	Duly Noted	
	6	Several commenters stated that instead of requiring fishermen to follow additional regulations, more funds should be invested in forming whale rescue response teams that can address a whale entanglement much quicker than the current efforts. The commenters stated that the whales would continue to become entangled, so more effort should be placed on response to entanglements.	Duly Noted	
	7	One commenter asked what size rope is most often found on the entangled whales.	Duly Noted	
	8	One commenter stated that most of the entangled whales are found to have heavy line on them as opposed to the lighter rope that is used in the inshore lobster fishery.	Duly Noted	
	9	One commenter would like to see data documenting how many whales have been entangled within two or three miles of Portland Harbor within the past five years.	Analyzed	Chapter 2
	10	One commenter stated that the Take Reduction Plan would not work without the cooperation of the Canadian fishermen.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
General Comments (Continued...)	11	One commenter stated that Lobster Conservation Management Area 1 is shrinking and requested an explanation as to why. The commenter stated that within Area 1 the gear used is light and the fishermen are at a lower trap limit than those in Area 3 who use a heavier gear with heavier weak links and have the higher trap limit. In addition, the commenter stated that Area 3 continues to expand.	Outside of Scope	
	12	One commenter stated that the NMFS' whale rescue plan is ineffective. The commenter stated that more people need to be trained and more training needs to be available to people, especially to whale watch captains who are out on the water observing whales and spending more time with the whales than any other group. The commenter expressed his frustration of not being able to help an entangled whale because of possible prosecution and the added frustration that the whale rescue team arrives 12 hours or later to the scene, which is too late.	Duly Noted	
	13	One commenter stated that the Take Reduction Team has become too large to conduct business.	Duly Noted	
	14	One commenter stated that if the administrating agency is constantly under the threat of another lawsuit it only dictates that regulations being implemented are not fair to those who do not have the means to litigate. One commenter stated that he was losing issues to people who have the funds for representation at meetings.	Duly Noted	
	15	One commenter stated that the Marine Mammal Protection Act is not written in a way that it provides the flexibility needed to provide direct input into the process.	Outside of Scope	
	16	One commenter stated that he volunteered to participate in Level 1, 2, and 3 disentanglement training. The commenter stated that it is difficult to attend all of the meetings and trainings as a self-employed person.	Duly Noted	
	17	One commenter stated that he is unaware of a documented case where whales were in the process of being entangled in fixed gear.	Duly Noted	
	18	One commenter stated that the agency should consider the elimination or buyback of latent Federal permits, especially in areas seeing lobster stock collapses. Such action would reduce vertical lines.	Outside of Scope	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
General Comments (Continued...)	19	One commenter noted that the top rope of the buoy is what is involved with entanglement. The commenter stated that breakaway links from the buoy are going to solve the problem. Several commenters stated that if a whale dove down and picked up a large trap trawl it would never come to the surface again. Thus, surface rope is what is being observed in these entanglements according to several commenters.	Proposed Alternatives	Section 3.1
	20	One commenter stated that the use of disentanglement statistics should not be used to represent entanglement statistics since those statistics tend to trivialize the issue. In addition, the statistics do not allow for counting animals that do not survive.	Duly Noted	
	21	One commenter stated that there is every indication that ship strike is not a bigger problem.	Analyzed	Chapter 9
	22	One commenter stated that regulations currently under the Take Reduction Plan are clearly ineffective and they put an incredible unfair burden on the fishing industry.	Duly Noted	
	23	One commenter stated that one of the best compliance areas with the current regulations are in Down East Maine. However, the commenter stated his frustration with additional regulations being placed on him and others before NMFS knows whether previous regulations are effective. Several commenters stated that it is expensive and frustrating and morale among the fishermen is low because regulations are changed constantly.	Duly Noted	
	24	Several commenters stated that implementation of any proposed regulations be in 2008. One reason for implementation in 2008 would be for the rope manufacturers to produce a feasible product.	Proposed Alternatives	Section 3.1
	25	One commenter stated the importance of implementing a consistent approach where fishermen know what they have to do and what they do not have to do so that additional regulations are not implemented in the future.	Duly Noted	
	26	Several commenters asked NMFS what the commercial shipping industry and the Navy are doing to address the problem of ship strikes since many more whale kills have been attributed to ship strikes as opposed to entanglements. The commenters requested information regarding other industries involved and how they are addressing this issue.	Analyzed	Chapter 9
	27	One commenter suggested that regulations be implemented on the whale watching industry since any whale watching boats made add stress to the animals.	Duly Noted	

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
General Comments (Continued...)	28	One commenter stated that it would be helpful to produce a map with the regions shaded or indicating where specific areas are so that people could refer to it and identify which fishery category that they are in: Mid-Atlantic versus South Atlantic; inshore fishery; coastal fishery, etc.	Analyzed	Section 3.1
	29	Several commenters inquired about efforts being made to compile the regulations that are already imposed on all of the different gillnet and pot fisheries to see what kind of effort reduction is already being done through other fishery management and take reduction plans (dolphin, sea turtle, etc.).	Analyzed	Chapter 9
	30	One commenter would like NMFS to define what areas are considered high risk.	Analyzed	Chapter 2
		In addition, the commenter did not believe that the data support the Mid-Atlantic region being considered a high-risk whale area.	Proposed Alternatives	Section 3.1
	31	Several commenters suggested that more studies should be performed on how the whales travel, when they migrate, and what times of the year before additional restrictions be imposed. One commenter stated that research should focus on whether whales are affected by underwater disturbances that may interfere with their sonar capabilities; thus, they are becoming entangled.	Duly Noted	
	32	Several commenters cautioned that fishing is not consistent up and down the coast. Each area is different, including where whales are being caught. The commenters suggested that all fishermen should not be regulated the same (“one size does not fit all”).	Duly Noted	
	33	One commenter stated that the small occurrence of whale entanglements does not justify the regulations being proposed. The commenter reiterated that the fishing industry provides a great benefit to the economy.	Duly Noted	
	34	One commenter stated that requirements for the northeast should be expanded down into the Mid-Atlantic on the same time schedule.	Proposed Alternatives	Section 3.1
	35	One commenter stated that the time period for the Mid-Atlantic and Southeast should be longer than the December 1 st to March 31 st time period.	Proposed Alternatives	Section 3.1
	36	One commenter would like to see what risk reduction is required by NMFS. Is risk reduction a lowering of profile or what type of analytical system would be in place to measure an actual reduction in risk from management measures.	Analyzed	Chapter 5

Exhibit 2-2

SUMMARY OF ORAL COMMENTS RECEIVED DURING EIS SCOPING PROCESS

Topic Area	Original Comment Number	Specific Comment Component	Category	FEIS Section Where Addressed
General Comments (Continued...)	37	One commenter suggested adding requirements where they are needed, where the entanglements are occurring and not universally.	Duly Noted	
	38	Several commenters suggested that the public comment scoping period be extended by 15 or 30 days.	Duly Noted	
	39	One commenter stated that the fishing community has been receptive to past requirements and would continue to make changes that are reasonable and necessary. In addition, several commenters stated that the fishing community would voice what could not or would not work in their specific fishing areas and propose practical solutions when possible.	Duly Noted	
	40	One commenter stated that the fishing community are concerned for the right whale but also for their way of life and their fisheries.	Duly Noted	
	41	One commenter stated that it is important that NMFS communicates with the fishing community about how the regulations are put in place, how they are working, how they are not working, and where NMFS is going in the future.	Duly Noted	

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 commentor did not articulate specific concerns; did not suggest concrete alternatives; or did not substantiate the position advocated.