



Massachusetts Chapter

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Mary Colligan
Assistant Regional Administrator of Protected Resources
NMFS/Northeast Region
One Blackburn Drive
Gloucester, MA 01930
Fax: 978- 281- 9394

Attn: Large Whale EIS

Dear Ms. Colligan:

On behalf of the Massachusetts Sierra Club and our 27,000 members throughout the commonwealth, we submit the following comments on the proposed scope of issues to be addressed in the preparation of a Draft EIS for the Atlantic Large Whale Take Reduction Plan (ALWTRP). The Sierra Club has been an active voice for the need to increase preservation efforts for species impacted by this federal action, including Humpback, North Atlantic Right, and Fin whale species.

Specifically, we are concerned that efforts to protect the world's most endangered large whale, the North Atlantic right whale, have dramatically failed to offer a viable solution to the problems of vessel strikes and fishing gear entanglement, the two most obvious causes of North Atlantic right whale mortality. The DEIS should comprehensively address both of these management challenges. Any measures adopted that provide meaningful protections for the Northern Atlantic right whale will likely produce benefits in the other species as well. Upon the issuance of a DEIS, we will offer our detailed views on the adequacy of any new measures proposed to reduce Northern Atlantic right whale mortalities to the PBR limit of zero. At present, we offer our views on what the DEIS should address.

The DEIS must fully and comprehensively address the issue of entanglement in fishing gear of large whale species. The entanglement of 27 large whales in 2002, with five deaths (including one right whale) is a problem of epic proportions that must be solved immediately if some of these species are to survive the century. Fishing efforts will only increase as more and more boats chase fewer and fewer fish. The continuing entanglement of large whales in a variety of fishing gear types indicates that current efforts, including but not limited to Dynamic Area Management (DAM), Seasonal Area Management (SAM), and disentanglement are inadequate. The DEIS should provide an analysis of the effectiveness of these programs and how NMFS has reached its conclusions regarding each programs' effectiveness. This analysis can provide the necessary information to determine whether such programs are in fact helping, or as some claim, hurting whale protection efforts. We are particularly concerned about the effectiveness and sensibility of the Dynamic Area Management program. We request that NMFS provide data in

the DEIS to respond to the claims that this in fact may increase whale mortality (and unnecessarily burden the fishing industry) by having fisheries relocate, on short notice, the gear, which then creates the potential for a “wall” of gear along the management area, and an increased risk to whale species navigating these waters.

The DEIS should also provide an analysis and review of the intensity and success of disentanglement efforts. While the Sierra Club recognizes that those who choose to disentangle whales are among the most brave and passionate whale advocates, we do not fundamentally support a whale management plan that relies heavily on solving the problem once it has occurred. Entanglement itself should be prevented. Reliance on disentanglement and questionable gear modifications to protect large whales is akin to trying to build a better (or in this case more humane) mousetrap. You may design a trap that is more humane, but if you don't get there in time, the mouse will still die. An honest review of how this program has worked and what we have learned from its successes and failures may provide us with the basis to determine how much we can rely on these efforts to protect endangered whale species. Currently, the Sierra Club believes that NMFS may be relying on this program too much to achieve the desired zero mortality rate goal for Northern Right Whales.

We instead urge NMFS to intensively pursue options for the retooling of the fishing industry to allow the substantial reduction or elimination of vertical lines which are the primary threat to large whales. The DEIS should provide information on the status of the gear research group and the effectiveness of any and all technology proposed, or currently implemented (regardless of cost) that may assist in the recovery of the impacted species. Recognizing the political challenges necessary to reduce whale mortalities from fishing and vessel impacts, the DEIS should include an analysis of the potential federal and state funding options to fund the changeover to new technologies for both new “whale safe” fishing gear as well as options for technology on vessels that will eliminate or reduce vessel strikes. While existing gear modifications may in fact be useful in disentanglement efforts, it has not been demonstrated that they reduce entanglements themselves. This must be discussed in the DEIS.

Finally, NMFS should provide a comprehensive analysis of the potential “non-point” impacts to whales including pollution and habitat alteration and destruction by industrial fishing, mining, gas and oil activities, industrial runoff, coastal development, ocean dumping, and other causes NMFS can identify which is impacting the potential recovery of large whales.

Thank you for the opportunity to comment on the scope for the proposed DEIS for large whale species. We are hopeful that the issuance of a DEIS will identify new measures that will have demonstrable effects on the recovery of these and other large whale species.

Very truly Yours,

James Bryan McCaffrey
Director