



Society for Conservation Biology North America

The North America Section of a global community of conservation professionals

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Subject: Comments on Advance Notice of Proposed Rulemaking to Amend the North Atlantic Right Whale Vessel Strike Reduction Rule (Docket No. NOAA-NMFS-2026-0364)

Dear Assistant Administrator Piñeiro Soler,

We write on behalf of the Society for Conservation Biology North America (SCBNA) to provide comments in response to the Advance Notice of Proposed Rulemaking (ANPR) published March 4, 2026 (91 FR 2026-04260) to amend the North Atlantic Right Whale Vessel Strike Reduction Rule. SCBNA is a professional society dedicated to the science and practice of conserving biodiversity, and we have deep and sustained interests in science-based policy for critically endangered species. We urge NMFS to strengthen, not weaken, the existing vessel speed regulations to ensure the survival and recovery of the North Atlantic right whale (*Eubalaena glacialis*).

I. The North Atlantic Right Whale Is on the Brink of Extinction

The North Atlantic right whale remains one of the most endangered large whales on Earth. Current population estimates place the species at fewer than 370 individuals, with fewer than 70 reproductively active females (NOAA, n.d.). The population experienced a net decline of approximately 126 individuals between 2010 and 2020 alone, driven by entanglement in fishing gear, vessel strikes, and compounding sublethal stressors including Climate Change, prey shifts driven by direct harvesting, pollution, and acoustic disturbance (Vanderlaan et al., 2025). With a Potential Biological Removal of less than one individual, every mortality and serious injury matters.

Right whales are baleen whales that feed primarily at or near the ocean surface, making them acutely vulnerable to ship collisions. Parks et al. (2012) and subsequent work have documented that surface-feeding behavior places right whales in near-constant exposure to vessel traffic corridors along the U.S. East Coast. Research published in *Biology Letters* has confirmed that surface foraging represents a significant and recurring risk scenario for this species, as whales spend extended periods skimming at the surface with little ability to detect or react to oncoming vessels (Parks et al., 2012). Compounding this vulnerability, right whales do not reliably respond to vessel noise, reducing the effectiveness of warning systems alone as a mitigation measure.

The broader ecological consequences of the species' loss would extend well beyond the individual population. As Calbet (2025) synthesizes, whales are gucarcasses andine ecosystems: they facilitate nutrient cycling through vertical mixing (the “whale pump”), support carbon sequestration through their carcasses, and provide nutrient subsidies that sustain both marine and terrestrial food webs (Gerraty et al., 2025). The loss of right whales would represent not only a conservation tragedy but a disruption of ecosystem function with downstream effects on fisheries productivity and coastal resilience.



II. Vessel Strikes Are a Leading Cause of Right Whale Mortality, and Speed Reduction Is the Most Effective Mitigation Tool

Vessel strikes and entanglement in fishing gear together accounted for a minimum of 86 mortalities and serious injuries in the U.S. and Canada between 2000 and 2017, representing approximately 20% of the entire known population over that period (NMFS, 2020). The 2008 Vessel Speed Rule, which requires most vessels 65 feet or greater to travel at 10 knots or less in designated Seasonal Management Areas (SMAs) along the East Coast, has demonstrated measurable conservation benefit: documented vessel strike mortalities and serious injuries declined from 12 in the decade before the rule to 8 in the decade following its implementation (NMFS, 2020).

Peer-reviewed modeling from Blondin et al. (2025), published in *Scientific Reports* confirms that vessel speed is a controllable variable for reducing strike risk. Blondin et al. (2025) developed a refined encounter risk model demonstrating that vessels greater than 350 feet in length pose the greatest mortality risk to right whales, and that simulated speed reductions substantially reduce mortality probability. However, the model also found that residual risk persists even at 10 knots, suggesting that 10 knots represents a floor for protection rather than a ceiling—and that consideration of lower speeds and broader spatial coverage is warranted in a revised rule.

The Canadian federal threat assessment for the right whale (Vanderlaan et al., 2025) similarly identifies vessel strikes as a “High” threat to population-level recovery, ranked alongside petroleum spills and climate change in severity of impact. The assessment stresses that, given the species’ near-zero biological removal threshold, even infrequent vessel strikes can set back population recovery by years.

III. Current Compliance and Coverage Gaps Demand Strengthened, Not Weakened, Protections

The NMFS 2020 Vessel Speed Rule Assessment found that while overall mariner compliance reached 81% in 2018–2019, compliance rates in certain ports fell below 25% for the largest commercial vessels—precisely the class of vessel that poses the highest mortality risk. The voluntary Dynamic Management Area (DMA) program has also demonstrated limited effectiveness, with mariners frequently failing to observe requests to reduce speed when right whale aggregations are detected outside SMAs. Small vessels under 65 feet—not currently subject to the rule—accounted for densely concentrated traffic in the Mid-Atlantic, with fewer than 50% of transit distance traveled at or below 10 knots.

These compliance and coverage gaps, combined with shifting right whale distribution due to climate change—including increasing and unpredictable use of the Gulf of St. Lawrence—demonstrate that the existing rule must be expanded and more rigorously enforced, not relaxed. Any ANPR outcome that narrows SMA coverage, raises speed thresholds, eliminates mandatory requirements, or reduces the rule’s applicability to smaller vessels would move in direct opposition to what the best available science demands.

IV. Economic Costs of the Rule Are Modest Relative to Conservation Benefits

The independent economic analysis conducted for NOAA by Industrial Economics, Inc. estimated the annual cost of the vessel speed rule at approximately \$28.3 to \$39.4 million, with commercial shipping bearing 74 to 87 percent of those costs (IEc, 2020). Crucially, the analysis found no evidence that the rule has adversely affected the volume or value of economic activity at East Coast ports. These figures must be weighed against both the ecological and economic value of a recovered right whale population.

The OECD has documented that the economic case for biodiversity protection is substantial: the services provided by healthy marine ecosystems—fisheries productivity, carbon storage, climate regulation, and



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wildlife-based tourism—generate economic returns that far exceed the compliance costs of protective regulations (OECD, 2024). The North Atlantic right whale specifically supports a growing whale-watching industry along the Eastern Seaboard, and its extinction would eliminate an irreplaceable component of the region's natural heritage and tourism economy.

V. Recommendations

SCBNA urges NMFS to ensure that any revised rule reflects the following science-based principles:

- Maintain or strengthen speed limits. Do not raise speed thresholds above 10 knots in existing SMAs. Consider reducing speed limits to lower thresholds (e.g., 7 knots) for the largest vessels, consistent with research showing residual mortality risk at 10 knots (Blondin et al., 2025).
- Expand spatial and temporal coverage. Update SMA boundaries to reflect current and projected right whale distribution, including seasonal shifts driven by climate change and prey availability. Do not reduce the geographic scope of mandatory restrictions.
- Strengthen mandatory compliance. Convert DMA requests to mandatory requirements when right whale aggregations are confirmed. Voluntary programs have failed to achieve adequate compliance.
- Extend applicability to smaller vessels. The current exemption for vessels under 65 feet creates a meaningful and growing mortality risk that must be addressed through graduated requirements based on vessel type and speed.
- Improve enforcement and monitoring. Increase at-sea and satellite-based enforcement of speed requirements, particularly in high-violation port entrance areas.
- Ground rulemaking in independent science. Ensure the rulemaking process draws on the full body of peer-reviewed literature, including recent modeling studies, Canadian threat assessments, and long-term demographic data.

The North Atlantic right whale cannot afford further regulatory retreat. Every regulatory concession to short-term economic convenience risks tipping a species that is already past the threshold of sustainable mortality toward irreversible extinction. We urge NMFS to treat this ANPR as an opportunity not for regulatory rollback, but for the strengthened, adaptive, and enforceable protections that the science demands and the species' survival requires.

Respectfully submitted,

Society for Conservation Biology North America (SCBNA)

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