



May 29, 2026

The Honorable Eugenio Piñeiro Soler
Assistant Administrator for NOAA Fisheries
Department of Commerce
National Oceanic and Atmospheric Administration
1315 East-West Highway, 14th Fl
Silver Spring, MD 20910

Re: Maintain Existing Vessel Strike Reduction Rule NOAA-NMFS-2026-0364

Dear Assistant Administrator Piñeiro Soler:

The New England Aquarium (NEAq) is submitting this comment letter to express opposition to the NOAA National Marine Fisheries Service's (NMFS) Advance Notice of Proposed Rulemaking (ANPR) of a "possible deregulatory action" to the North Atlantic Right Whale Vessel Speed Rule.¹ Vessel strikes pose a serious risk to the health and safety of North Atlantic Right Whales (NARW). The Vessel Speed Rule (VSR), codified in 2008, mitigates the risk to NARW by requiring watercraft greater than or equal to 65 ft to slow down to 10 knots in locations and time periods identified as having a high risk of vessel strikes.² While technology may play a role in risk reduction, reducing vessel speed remains a proven method for reducing the risk of vessel strikes to NARW. With less than 390 individuals remaining, NARW are one of the most endangered marine mammal species in United States waters. The VSR is an important component of preventing the extinction of the endangered NARW and it should continue to be maintained and strengthened using the best available science.

NEAq has been extensively studying NARW for more than 40 years. We curate the photo-identification catalog for NARW and use the catalog to monitor human impacts to individuals, including vessel strikes and entanglements. We also conduct analyses to assess risk from vessel strikes; facilitate communication across the maritime industry to reduce vessel strikes; collaborate with the fishing industry to reduce entanglements; collect the data and conduct analyses needed to understand and mitigate the potential impacts of offshore development; and work with lawmakers locally, nationally, and internationally to inform science-based policy protections for NARW.

Given our range of work and expertise related to NARW, we know that vessel strikes are one of the primary threats to NARW and have been documented throughout the species range. Vessels ranging in size from <40 ft to >350 ft have been involved in strikes of NARW with lethality rates increasing with vessel speed and with vessel size.³ To address this threat, the VSR establishes 10

¹ Advance Notice of Proposed Rulemaking To Amend the North Atlantic Right Whale Vessel Strike Reduction Rule, 91 Fed. Reg. 10580 (advance notice of proposed rule making Mar. 4, 2026)(to be codified at 50 C.F.R. pt 224).

² 50 C.F.R. pt 224.105

³ Garrison, L.P., Lisi, N.E., Gahm, M., Patterson, E.M., Blondin, H. and Good, C.P., 2025. The effects of vessel speed and size on the lethality of strikes of large whales in US waters. *Frontiers in Marine Science*, 11, p.1467387.



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Seasonal Management Areas (active in defined areas for specific time periods) and Dynamic Management Areas (active in additional areas when right whales are observed).

Seasonal Management Areas are established where the risk of a vessel striking a NARW is expected to be higher due to whale and/or vessel traffic density. These areas vary in size (from approximately 1,500 to 23,000 km²), are implemented along different areas of the coast, are active during different times of year, and are implemented for different lengths of time (2–5 months). Not all areas are active at once, allowing for maritime commerce to continue without speed restrictions in other areas. When active, all vessels greater than or equal to 65 feet (except vessels owned, operated by, or operated under contract to the U.S. government and law enforcement vessels engaged in enforcement or search and rescue) are required to travel at 10 knots or less in these areas. While still posing a threat, smaller vessels are requested, but not required, to travel at 10 knots or less.

To provide protections to NARW outside of the Seasonal Management Areas, the VSR establishes Dynamic Management Areas in real-time when three or more NARW are seen within close proximity of each other. These areas vary in size and remain in effect for 15 days. All mariners are encouraged to avoid these areas or reduce vessel speeds to 10 knots or less when transiting through these areas. These measures are voluntary.

Analyses of the proximity of NARW vessel strikes to Seasonal Management Areas⁴ and analyses comparing the number of NARW struck before and after management measures were implemented^{4,5} show that the Seasonal Management Areas have helped to reduce vessel strikes of NARW. For example, prior to the VSR implementation, the rate of NARW vessel strikes in or near Seasonal Management Areas was 0.72 per year and for the first five years post VSR, this rate dropped to 0 per year, a significant decrease.⁴ Further contributing to its success since its implementation, the VSR has been supported by dedicated outreach and strong enforcement efforts by NOAA and the US Coast Guard that have contributed to relatively high compliance rates.⁵

While these studies have shown that the VSR has reduced risk, further reduction is needed because vessel strikes continue to affect the species. Between 2020 and 2025, 22 right whale vessel strikes were detected in US waters, of which six were fatal and two resulted in serious injuries. The two seriously injured whales have not been seen again. Additionally, there was one dependent calf whose mother was killed by a vessel strike and that calf is presumed to have died. These data underscore the need for increased vessel strike risk reduction for right whales, not less.

⁴ Laist, D. W., Knowlton, A. R., and Pendleton, D. 2014. Effectiveness of mandatory vessel speed limits for protecting North Atlantic right whales. *Endangered Species Research* 23:133–147.

⁵ National Marine Fisheries Service. 2020. North Atlantic right whale (*Eubalaena glacialis*) vessel speed rule assessment. National Marine Fisheries Service, Office of Protected Resources, Silver Spring, MD. <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>



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Innovative and emerging technologies may have the potential to provide improved whale detection and additional risk reduction, but they must be paired with measures known to reduce risk. Further evaluation of these technologies is needed before they should be considered as a risk reduction tool. NEAq scientists are committed to working on the development of technological and other approaches to reduce the risk of vessel strikes. For example, we participate in government-convened technology workshops as invited scientific experts and are starting to use our expertise to design studies that can rigorously evaluate potential technological solutions (e.g., thermal imaging cameras, variable engine noise). Evaluations of technological and other approaches are needed to quantify the strike risk reduction that they can achieve, particularly in comparison to the risk reduction realized through known methods, such as speed restrictions and vessel routing changes. These evaluations will show whether these approaches can be used to replace, rather than supplement, static vessel speed restrictions.

We recognize that technological advances have come a long way since the VSR was first adopted. For example, the use of near real-time acoustic gliders and buoys, along with a variety of newer technologies currently under consideration, can complement visual aerial and vessel-based surveys. However, on board technology, without regulatory requirements, is not sufficient to mitigate the risk to the species and practical application of these technologies remains limited. In particular, the MITRE report referenced in the ANPR,⁶ which provides a detailed assessment of the emerging detection technologies, notes the technologies' nascence. Among all technologies evaluated in the report, only real-time Passive Acoustic Monitoring (PAM) and crewed aerial surveys achieved Technology Readiness Levels (TRLs) that would indicate they are demonstrably effective in regional vessel strike risk reduction. These two technologies complement each other. Crewed aerial surveys can cover broad areas and count individual right whales. However, these surveys require suitable weather conditions and can only detect whales that are visible at the ocean's surface. PAM can be used to listen for whales continuously, but it has more limited spatial coverage and can only detect whales that are vocalizing. While additional technology may play a key role in future vessel strike mitigation measures, most are not ready for broad-based implementation, and it is not yet known whether the risk reduction they could provide would meet or exceed the existing risk reduction currently achieved through the VSR. Additionally, as stated in the report, barriers to implementation include cost, the additional developments needed for individual technologies (e.g., further development of near real-time communication), and compliance with existing legislation (e.g., the Marine Mammal Protection Act, Endangered Species Act, James M. Inhofe National Defense Authorization Act for Fiscal Year 2023).

Similarly, a report from the NMFS hosted Right Whale Vessel Strike Risk Reduction Technology Workshop in March 2024⁷ highlighted the many challenges that need to be considered and addressed as technology is advanced. In particular, the executive summary notes that workshop participants emphasized that there is no single solution to reduce risk; it will require combinations

⁶ <https://www.fisheries.noaa.gov/s3/2026-02/Vessel-Strike-Risk-Reduction-TRLReport.pdf>

⁷ <https://www.fisheries.noaa.gov/event/north-atlantic-right-whale-vessel-strike-risk-reduction-technology-workshop>



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of multiple technologies that are matched to different geographies, vessel types, and vessel operations. Participants also noted that there will need to be dedicated outreach and education efforts to use the given technologies and improve awareness and compliance.

NEAq supports the continued evaluation of these and other technologies for future implementation into a comprehensive vessel strike reduction strategy. However, technology development and the VSR are not mutually exclusive. The VSR reduces vessel strike risk to right whales and should remain in place. We also recognize that a technological approach to reduce risk will require multiple modalities to ensure adequate coverage of the range of NARW and will require a significant level of integration with and appropriate response by various marine operations to be effective.

We strongly urge NMFS to maintain the existing VSR. Technological approaches should continue to be developed and assessed for the risk reduction they may be able to provide. As technologies are proven effective, they should be adopted on a mandatory basis for vessel operation.

As long-time curators of the North Atlantic Right Whale Catalog, the New England Aquarium will continue to provide detailed information about the NARW population's status; monitor the frequency and severity of human impacts experienced annually by this species; and conduct important scientific research that will help to further our understanding of the most effective ways to reduce risk while allowing maritime industries and NARW to coexist.

Sincerely,

Jessica V. Redfern, PhD
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