



June 1, 2026

Samuel D. Rauch, III  
Deputy Assistant Administrator for Regulatory Programs  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
1315 East West Highway  
Silver Spring, MD 20910

**Re: Advance Notice of Proposed Rulemaking to Amend the North Atlantic Right Whale Vessel Strike Reduction Rule (Docket No. 260227-0058)**

Dear Deputy Assistant Administrator Rauch:

On behalf of the Congressional Sportsmen's Foundation (CSF), we appreciate the opportunity to provide comments on the Advance Notice of Proposed Rulemaking (ANPRM) regarding the review and potential modernization of the 2008 North Atlantic Right Whale Vessel Strike Reduction Rule.

CSF works with members of Congress, governors, and state legislators to advance policies that conserve America's fish and wildlife resources while supporting angling and boating access and participation, the American System of Conservation Funding, and the economic vitality of recreational fishing and boating communities. Healthy marine ecosystems and sustainable fisheries are foundational to recreational angling opportunities and coastal economies along the Atlantic seaboard.

We are fully supportive of efforts to conserve the endangered North American right whale (right whale), and reducing vessel strikes is an important conservation objective. However, there has been no demonstrable evidence that the existing seasonal speed zones under the current 2008 rule are achieving that objective. As such, a proposed expansion of the existing 2008 rule in 2022 by the National Marine Fisheries Service (NMFS) to include vessels 35 feet in length over a much larger spatial and temporal scale was unjustified and drastically over-precautionary.

Instead, CSF supports a balanced, science-based, and technology driven management framework that achieves meaningful conservation outcomes while minimizing or eliminating unnecessary burdens on recreational boating and fishing access. NMFS itself recognized this principle in the original 2008 rulemaking, stating that: "The use of technological solutions to minimize or eliminate a problem such as the threat of ship strikes to whales is the most desirable approach. Employing an innovation or technology that can truly mitigate a problem is preferable and should be pursued." Nearly two decades later, however, the agency has not kept pace with advances in marine technology. Today, we are at a point of meaningful advancements that support the widespread development and deployment of technology-driven solutions capable of reducing strike risk that would promote more adaptive and targeted management.

This ANPRM provides NMFS with an important opportunity to modernize its approach and fully embrace the innovation-oriented philosophy articulated in the original rule.

### *A Performance-Driven Regulatory Framework*

CSF encourages NMFS to adopt a performance-driven approach to right whale conservation that focuses on targeted methods to addressing strike risk rather than relying on draconian one-size-fits-all speed restrictions. Such an approach should create incentives for the regulated community to develop and adopt technologies and operational practices that reduce marine mammal strike risk where the whales are detected.

Current seasonal management areas are inherently limited because they rely on generalized assumptions regarding whale presence across large geographic areas and extended periods of time. Yet, right whale distribution has become increasingly dynamic and less predictable due to changing ocean conditions and shifting prey availability. Static management measures that fail to account for real-time whale occurrence can create situations where significant economic and operational burdens are imposed even when whales are not present, while also potentially failing to address emerging high-risk areas outside existing zones.

Advances in marine technology now provide NMFS with opportunities to move toward a more adaptive and targeted management framework. Rather than relying almost exclusively on seasonal restrictions, the agency should prioritize the development and implementation of a suite of systems that improve situational awareness, provide mariners with near real-time information, and directly reduce collision risk.

### *Technology-Based Solutions Deserve Greater Emphasis*

A wide range of emerging, imminent, and existing technologies could substantially improve right whale conservation outcomes if NMFS actively supported, incentivized, and integrated them into the regulatory framework.

These technologies include:

- Passive acoustic monitoring systems capable of detecting whale vocalizations in near real time;
- Thermal imaging and infrared detection systems for nighttime or low-visibility whale detection;
- Artificial intelligence-assisted visual detection technologies;
- Integration of whale detection and alert systems into existing vessel navigation electronics;
- AIS-based alerting and geofencing technologies that provide dynamic notifications to vessel operators;
- Enhanced use of mobile applications and cloud-based platforms that relay whale sightings and dynamic risk information to recreational boaters;
- Autonomous monitoring platforms, including buoys, gliders, and unmanned systems;
- Improved predictive habitat modeling using oceanographic and environmental data.

Importantly, many of these technologies already exist today and continue to improve rapidly. However, adoption remains fragmented and limited in part because NMFS has not established a regulatory structure that incentivizes innovation, pilot projects, interoperability, or performance-based compliance pathways.

NMFS should prioritize partnerships with the recreational boating industry, marine electronics manufacturers, fishing and boating organizations, academic institutions, and technology developers to accelerate deployment and validation of these tools. Organizations such as the Whale and Vessel Safety Taskforce, as well as stakeholders throughout the recreational boating and fishing community, have already demonstrated a strong willingness to collaborate on practical solutions that can simultaneously support whale conservation, responsible boating access, and safety at sea. The agency should also recognize that technology adoption is likely to accelerate significantly if vessel operators are provided regulatory certainty and clear incentives.

### *Recreational Boating ≠ Commercial Shipping*

CSF is particularly concerned that broad regulatory approaches in previous proposed rules can fail to adequately distinguish between large commercial shipping traffic and the diverse recreational boating community, typically comprised of much smaller vessels.

Recreational anglers and boaters operate under vastly different circumstances than oceangoing commercial vessels. The smaller recreational vessels are more maneuverable and more capable of responding dynamically to whale sightings and alerts. Accordingly, NMFS should avoid regulatory frameworks that disproportionately burden recreational boating access without fully accounting for differences in vessel characteristics, operational patterns, and strike risk.

Technology-based management tools may be especially effective for the recreational sector because modern recreational vessels increasingly utilize sophisticated electronics, including multifunction displays that include GPS navigation systems, sonar, radar, and mobile-integrated navigation platforms. Integrating whale-alert systems and dynamic management notifications into these existing technologies could provide a practical and scalable conservation solution. No recreational boater wants to strike a whale or any other hazard in the water, and NMFS can, and should, seek to facilitate the dissemination of hazard information to America's boaters.

Importantly, the recreational fishing and boating community has repeatedly demonstrated steadfast support for practical, science-based conservation measures that are clearly connected to conservation outcomes. Regulations perceived as inflexible, outdated, or disconnected from real-world conditions risk undermining public trust and voluntary compliance.

#### *NMFS Should Expand Pilot Programs and Partnerships*

CSF strongly encourages NMFS to shift its management approach from static to dynamic by devoting substantially greater emphasis on testing, validation, and deploying advanced vessel strike-reduction technologies that are currently available. Specifically, NMFS should:

- Provide grant funding or cost-share opportunities to accelerate technology adoption, including improved data-sharing platforms that integrate sightings, acoustic detections, and dynamic risk modeling;
- Coordinate with marine electronics manufacturers to integrate whale alerts into commonly used navigation systems; and
- Evaluate adaptive management systems or frameworks that incorporate dynamic risk assessments rather than static seasonal restrictions.

In all of these efforts, NMFS should work closely with the recreational fishing and boating industries to ensure technologies are practical, affordable, and scalable across a wide range of vessel sizes and operational profiles.

#### *In Summary*

CSF appreciates NMFS's willingness to consider alternative approaches to North Atlantic right whale conservation through this ANPRM. We believe the agency has an important opportunity to modernize its regulatory framework by shifting toward a more adaptive, technology-driven, and performance-based approach that improves conservation outcomes while minimizing unnecessary burdens on recreational fishing and boating communities.

The original 2008 rule correctly recognized that technological solutions capable of directly mitigating whale strike risk represent the most desirable path forward. NMFS should now fully embrace that principle by prioritizing innovation, incentivizing technology adoption, and collaborating with stakeholders to develop practical and effective conservation tools.

Ultimately, successful right whale recovery and sustainable marine access do not need to be competing objectives. By leveraging modern technology, dynamic management tools, and collaborative partnerships, NMFS can better achieve right whale conservation goals while protecting the public's access to America's public trust marine resources.

Thank you again for the opportunity to comment on potential modifications to the 2008 North Atlantic Right Whale Vessel Strike Reduction Rule.

Sincerely,

A handwritten signature in cursive script that reads "Chris Horton".

Chris Horton  
Senior Director, Fisheries Policy