



Sportsmen's Alliance  
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National Marine Fisheries Service  
C/O Samuel D. Rauch, III  
Deputy Assistant Administrator for Regulatory Programs  
1315 East-West Highway  
Silver Spring, MD 20910

2 June, 2026

**Re: Sportsmen's Alliance Foundation Comments on NMFS' Advance Notice of Proposed Rulemaking to Amend the North Atlantic Right Whale Vessel Strike Reduction Rule, March 4, 2026 (NOAA-NMFS-2026-0364)**

National Marine Fisheries Service:

The Sportsmen's Alliance Foundation (SAF) respectfully submits these comments in accordance with the advance notice of proposed rulemaking considering possible deregulatory action to modify and modernize the North Atlantic Right Whale Vessel Speed Rule. 91 Fed. Reg. 10580 (March 4, 2026); (NOAA-NMFS-2026-0364). SAF is a national non-profit organization dedicated to promoting and educating the public about our hunting, fishing, and trapping heritage, and science-based wildlife management. SAF achieves its mission through public education and issue research, conducted both independently and in partnership with local sportsmen and conservation organizations. Our membership consists of individual and organizational members across the country, many of whom fish, boat, and recreate along the U.S. East Coast.

To begin, we support NMFS' decision to formally withdraw its contentious and poorly-designed 2022 North Atlantic right whale vessel speed rule. 84 Fed. Reg. 46921 (August 1, 2022). That proposed rule, which was intended to reduce vessel strikes of endangered right whales, was overly broad, lacked supportive data, and was based on outdated technology. Additionally, new data and technologies have advanced our understanding of right whale ecology and vessel-strike risk way beyond that utilized in the 2008 Final Speed Rule, 73 Fed. Reg. 60173 (October 10, 2008), and we applaud and support NMFS' goal to reduce unnecessary regulatory and economic burdens

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on coastal communities by replacing current seasonal speed restrictions with alternative management areas and advanced, technology-based, strike-avoidance measures that maintain or enhance conservation efficacy for the endangered North Atlantic right whale.

First, advances in technology have greatly improved the detection of North Atlantic right whales. NMFS has identified at least four technologies that offer real-world applicability for detecting right whales right now, “which can then be leveraged as tools in either individual vessel and/or regional vessel strike risk reduction strategies.”<sup>1</sup> These technologies include tagging, thermal/infrared (IR) imaging, crewed aerial surveys, and real-time passive acoustic monitoring (PAM). Crewed aerial surveys and PAM sensors are already being used regularly to detect right whales and other marine mammals. PAM sensors “have been shown to accurately detect NARWs and are routinely used for that purpose in the U.S. and Canada.”<sup>2</sup> Similarly, “[c]rewed aerial surveys are conducted regularly as a means of detecting NARW and other marine mammals. These surveys are currently used for population monitoring and identification of individual NARWs.”<sup>3</sup> Both technologies are heavily utilized and have been proven accurate, and NMFS should continue to utilize these technologies to detect right whales along the U.S. East Coast.

NMFS should also incorporate, or incorporate at greater capacities, additional detection technologies that show real-world promise, including tagging and IR imaging. These technologies show significant promise, along with others, as automation capabilities increase. NMFS should continue to pursue advances in tagging and imaging capabilities in real-world situations, including

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<sup>1</sup> Kirsch et al., *Technology Readiness Levels (TRL) for North Atlantic Right Whale Detection and Vessel Strike Risk Reduction*, MITRE Technical Report, November 2025, at 5. <https://www.fisheries.noaa.gov/s3/2026-02/Vessel-Strike-Risk-Reduction-TRLReport.pdf>.

<sup>2</sup> *Id.* at 8.

<sup>3</sup> *Id.* at 11.

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multiple environments. NMFS should also continue to leverage automation technologies in other detection methods to broaden the tools available for accurate right whale detection.

Second, advances in technology have also resulted in vessel strike risk reduction for North Atlantic right whales, particularly on a regional scale. Technologies used for whale detection, such as crewed aerial surveys and PAM sensors, have been proven to reduce vessel strike risks. For instance, “PAM sensors...are widely deployed in U.S. and Canadian waters to monitor for the presence of NARWs. This data informs analyses and vessel strike management activities in both countries.”<sup>4</sup> In the U.S., near real-time PAM sensor detections are used to declare voluntary dynamic slow zones, putting vessels on alert to the presence of right whales in the area and reducing strike incidences. Similarly, CAS already “inform voluntary Right Whale Slow Zones or [dynamic management areas].”<sup>5</sup> Other technologies also show promise, and NMFS should encourage development and real-world testing of these technologies to reduce vessel strike risks.

Certainly, NMFS has recognized the role that technology can and should play in conserving the endangered right whale. In the 2008 Rule, NMFS noted: “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.” We agree. And modern advancements in technology support this approach even more. NMFS has already identified many technologies that do and can positively impact right whale conservation while maintaining ocean access for recreational boaters. NMFS should modernize its vessel speed regulations to incorporate these technologies in a way that results

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<sup>4</sup> *Id.* at 9.

<sup>5</sup> *Id.* at 11.



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in more adaptive and targeted management strategies. Doing so will better conserve North Atlantic right whales while reducing regulatory burdens on non-issue communities, such as recreational boaters and anglers. Even more, the recreational boating and fishing communities can be a valuable resource for NMFS. NMFS should collaborate with boaters, anglers, conservation organizations, fishing and marine manufacturers, and a host of other interested stakeholders do develop, test, deploy, and incentivize the use of modern technologies that aid in the detection of right whales and reduce the risk of vessel strikes.

Again, we support NMFS' decision to formally withdraw its contentious and poorly-designed 2022 North Atlantic right whale vessel speed rule and issue this notice aimed at reducing unnecessary regulatory and economic burdens on coastal communities by replacing current seasonal speed restrictions with alternative management areas and advanced, technology-based, strike-avoidance measures that maintain or enhance conservation efficacy for the endangered North Atlantic right whale. Modern technological advances, as NMFS has previously recognized, offer incredible opportunities to conserve right whales while reducing regulatory burdens on the recreational fishing and boating sectors. New rulemaking should be aimed at developing, testing, deploying, and incentivizing the use of these technologies. Recreational anglers and boaters recognize the importance of species conservation, and we stand ready to help NMFS develop solutions that bolster right whale populations while reducing unnecessary regulatory burdens.

Sincerely,

A handwritten signature in black ink, appearing to read "Torin Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Torin Miller  
Associate Litigation Counsel