

6 February 2025

Mr. Mike Schmidtke
Fishery Scientist
South Atlantic Fisheries Management Council
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North Charleston, SC 29405
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Submitted electronically via SAFMC Public Comment Form

Re: Comments on Snapper Grouper Amendment 56

Dear Mr. Schmidtke,

On behalf of the Animal Welfare Institute, National Resources Defense Council, and Defenders of Wildlife, we submit the following comments in support of the South Atlantic Fishery Management Council's ("SAFMC" or "Council") proposed Snapper Grouper Amendment 56, Action #6, which would remove or change seasonal closures to nearshore areas for on-demand black sea bass pots. Our groups are appreciative of the efforts the Council is making to address the critical conservation issue of whale entanglement through the implementation of on-demand fishing.

On-demand (also known as "ropeless") fishing gear replaces the static or persistent vertical buoy lines in the water column associated with fixed-gear fisheries, resulting in far less rope in the water compared to conventional gear designs. Our groups have long contended that on-demand gear provides the best long-term solution to eliminating the risk of lethal and sublethal entanglement of critically endangered North Atlantic right whales, while maintaining economic and job opportunities for fishing communities in the United States.

Years of successful at-sea trials—originally initiated by a group of innovative fishers and later supported by a broad community of fishers, environmental groups, and regulators—have demonstrated that on-demand gear can allow black sea bass fishers and whales to co-exist in the Southeast. Last year, the Council approved Amendment 36, which added on-demand pots as an allowable commercial gear for black sea bass outside current closures. Action #6 of Amendment 56 builds on the momentum of that decision and, if approved, would allow SAFMC to continue its legacy of embracing adaptive and modernized fishery management. It would also be the first time a fishery management council approves the use of on-demand gear in a closure without the need for an experimental fishing permit in the United States.

Since 2017, in the United States and Canada, right whales have suffered 10 documented mortalities, 35 serious injuries, and 54 sublethal injuries from entanglement in fishing gear.¹ Studies show that more than 86% of the population has suffered at least one entanglement during their lifetimes, and more than two-thirds of right whale mortalities go undetected.² In addition to the population-level risks posed by entanglement, our groups emphasize that the entanglement of right whales is a serious animal welfare issue. Right whales are sentient and social animals, and the exposure of individual whales of all ages to entanglement risk warrants significant concern. Entanglement not only interferes with swimming and feeding but can lead to chronic infections; damage to blubber, muscle, and bone; and starvation. Suffering is often prolonged, and whales have been known to die weeks or even months after the initial entanglement event. Moreover, numerous studies indicate that even sub-lethal effects of entanglement are having catastrophic effects on female right whales and their reproductive potential.³

Black sea bass pot closures in the Southeast have been in place since at least 2013, in part to protect right whales from entanglement. With Action #6 of Amendment 56, the Council has an opportunity to benefit both fishers and right whales by maintaining a comparable level of protection for the whales while restoring access to this culturally important fishery, including currently unavailable fishing grounds closer to shore and during times of year target fish are more readily available. Furthermore, the SAFMC would continue to set an example of demonstrating how whale-safe gear can be successfully implemented, which would in turn incentivize its use and increase its accessibility here and potentially in other regions facing entanglement challenges. This action would have an added benefit of decreasing the transit time required to access black sea bass fishing grounds, reducing vessel strike risk to right whales and other protected species.

Our groups strongly support this action and call upon the Council to embrace on-demand gear by reopening closed areas to on-demand black sea bass pots. Thank you for the opportunity to submit these comments. Please reach out if you have any questions.

Sincerely,

Melissa Edmonds and Kate O'Connell, Animal Welfare Institute
Francine Kershaw, Natural Resources Defense Council
Jane Davenport, Defenders of Wildlife

¹ NOAA FISHERIES, 2017-2025 *North Atlantic Right Whale Unusual Mortality Event* (last visited Jan. 28 2025), <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2025-north-atlantic-right-whale-unusual-mortality-event>.

² Knowlton, A.R., Clark, J.S., Hamilton, P.K., Kraus, S.D., Pettis, H.M., Rolland, R.M., & Schick, R.S. (2022). Fishing gear entanglement threatens recovery of critically endangered North Atlantic right whales. *Conservation Science and Practice*, 4(8), e12736; Pace III, R.M., Williams, R., Kraus, S.D., Knowlton, A.R., & Pettis, H.M. (2021). Cryptic mortality of North Atlantic right whales. *Conservation Science and Practice*, 3(2), e346.

³ E.g., Frasier, T.R., Hamilton, P.K., & Pace III, R.M. (2024). How compromised is reproductive performance in the endangered North Atlantic right whale?. *Endangered Species Research*, 55, 267-271.