

**Congress of the United States**  
**Washington, DC 20515**

July 1, 2020

The Honorable Wilbur L. Ross, Jr.  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Dear Secretary Ross:

We are writing to express our strong opposition to the petition for rulemaking that was recently submitted by the Pew Charitable Trusts (Pew), for interim regulations to protect the North Atlantic right whale. This ill-conceived proposal would provide only minimal, if any, protections for right whales while causing significant economic harm to Maine's lobster industry.

Under the Pew petition, the Department of Commerce would designate one year-round closure south of Martha's Vineyard and Nantucket, and three seasonal offshore closures in the Gulf of Maine in which the use of vertical line/trap pot gear in the American lobster and Jonah crab fisheries would be prohibited. Especially concerning are the proposed offshore closures in the Gulf of Maine – one Downeast closure from August 1 to October 31, another in the Western Gulf of Maine from May 1 to July 31, and a third seasonal closure from October 1 through April 30 that comprises large portions of Lobster Management Area (LMA) 1.

Pew inaccurately argues that these area closures would “represent the most effective and fastest way to reduce the most serious risk of right whale entanglement and protect the species from the threat of extinction while permanent rulemaking proceeds.” In fact, their claim runs counter to the peer-reviewed literature and methodology developed by NOAA Fisheries. Using the agency's own Decision Support Tool (DST), the Maine Department of Marine Resources (Maine DMR) found that Pew's proposal would likely *increase* the risk to right whales due to lobstermen setting their gear in waters just outside of the closed areas, creating a “curtain effect” of heavily concentrated areas of vertical lines. For the Western Gulf of Maine closure alone, the DST indicates that Pew's proposal would actually increase the risk to right whales by as much as twelve percent.

The Pew petition also claims that the economic impacts of the area closures would be “minimal.” This assertion, like the justification for the closed areas, is similarly unsupported by existing data. According to data from Maine DMR, the closures outlined in Pew's proposal account for nearly a quarter of the harvesting area accessible to Maine fishermen and lobstermen during the impacted months. Landings revenues from the targeted areas in LMA 1 alone are estimated at \$18.8 million from May through October.

The short-sighted petition submitted by Pew not only undermines our shared goal of protecting the North Atlantic right whale, but it would also have a detrimental economic impact on Maine's

lobster industry and the coastal communities it supports. It is unfortunate to see this attempted circumvention of NOAA's established regulatory process when lives, livelihoods, and the survival of an endangered species are on the line.

We urge you to reject this petition and thank you for your prompt attention to this important matter.

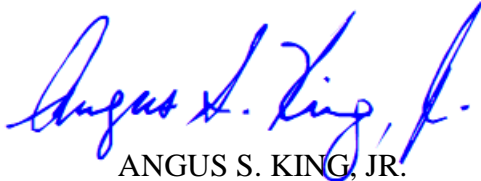
Sincerely,



JARED GOLDEN  
Member of Congress



SUSAN M. COLLINS  
United States Senator



ANGUS S. KING, JR.  
United States Senator



CHELLIE PINGREE  
Member of Congress