



August 22, 2022

Ms. Janet Coit
Assistant Administrator
NOAA Fisheries
1315 East West Highway
Silver Spring, MD 20910

Re: Proposed North Atlantic Right Whale Regulations

Dear Administrator Coit:

The undersigned representatives of the recreational boating and fishing community understand the importance of protecting North Atlantic right whales. **Given the substantial impact of the proposed rule to amend the North Atlantic Right Whale vessel speed regulations, the rushed timeline and lack of engagement, we urge the National Marine Fisheries Service (NMFS) not to proceed with this rule until additional analysis on the issues expressed in this letter can be conducted, and potential new alternatives developed. At a minimum, an extension of the comment period, of at least 30 days, is needed to allow stakeholders to properly respond to the request for comment.**

We stand ready to work with NMFS to ensure our community is doing everything within reason to avoid conflicts with right whales. The proposed rule will have significant impacts on fishing and boating. Given the social, conservation and economic benefits of recreational fishing and boating to the nation, and uncertainty around much of the justification for the proposal, we believe more deliberation and analysis is needed to determine if conservation goals could be achieved with less restrictive measures.

The proposed rule would expand mandatory speed restrictions to include vessels 35 to 65 feet long and significantly broaden seasonal speed restriction zones, impacting thousands of recreational vessels. Many boaters and fishermen will forego boating and fishing trips altogether due to the time, cost and safety burdens imposed by the rule. This in turn will negatively impact local marinas, tackle shops and local businesses that are dependent on the Blue Economy. Therefore, it is vitally important that the rule minimize impacts to boating and fishing as much as possible while maintaining a reasonable probability of achieving conservation goals.

Due to the suddenness of this rule and a complete lack of coordination with affected industries such as ours, we are concerned the rule does not adequately account for the impacts to our industry. We believe more analysis and potential revision are needed, including the following topics:

- Given the relative infrequency of right whale serious injuries or mortalities associated with strikes with vessels less than 65 feet (only six documented occurrences in the U.S. since 2005), it is unclear how NMFS identified the proposed rule as being necessary when considering other factors contributing to right whale mortality and the impacts to the public. The proposed rule seems to provide questionable justification, such as two individual incidents in South Africa and Australia. We ask NMFS to consider whether conservation goals could still be achieved with the current vessel speed rule with more resources devoted towards enforcement and education, as well as better minimizing fishing gear entanglements. If adjusting the range of vessels impacted by the vessel speed rule is still deemed necessary, we ask for a deeper analysis of whether goals could still be achieved with a higher minimum vessel size.
- The Seasonal Management Areas (SMAs) are greatly expanded in geographic scope, covering nearly all nearshore waters of the Atlantic Ocean from Massachusetts to north Florida. We urge NMFS to analyze whether conservation goals could still be achieved with reduced SMAs, as well as giving greater consideration to dynamic speed restrictions as an alternative to SMAs.
- The date ranges of the SMAs conflict with many popular inshore and offshore recreational fishing seasons currently managed by the three Atlantic regional fishery management councils; NMFS Highly Migratory Species Division, and the Atlantic States Marine Fisheries Commission. We urge NMFS to engage the regional fishery management bodies to reduce the overlap between SMAs and recreational fishing seasons as much as possible.
- NMFS should consider a lower threshold than “gale force winds” for allowing vessels to go faster. For smaller vessels that would be captured under this rule, winds less than gale force can still cause significant issues that would necessitate higher speeds to reach safety.

Thank you for your consideration and we look forward to working with you to ensure our community is doing everything within reason to avoid conflicts with right whales.

Sincerely,

Glenn Hughes, President
American Sportfishing Association

Dr. Guy Harvey, Ph.D., Chairman Emeritus
Guy Harvey Ocean Foundation

Chris Edmonston, VP Government Affairs
BoatU.S.

Jason Schratwieser, President
International Game Fish Association

Jim McDuffie, President
Bonefish and Tarpon Trust

Matt Gruhn, President
Marine Retailers Association of the Americas

Jeff Angers, President
Center for Sportfishing Policy

Frank Hugelmeier, President
National Marine Manufacturers Association

Patrick Murray, President
Coastal Conservation Association

Rob Nixon, Executive Director
Recreational Fishing Alliance

Jeff Crane, President
Congressional Sportsmen’s Foundation

Whit Fosburgh, President and CEO
Theodore Roosevelt Conservation Partnership