



MARINE RETAILERS ASSOCIATION OF THE AMERICAS

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The Honorable Jeanne Shaheen
Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies
506 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Hal Rogers
Chairman
Subcommittee on Commerce, Justice, Science
and Related Agencies
2046 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jerry Moran
Ranking Member
Subcommittee on Commerce, Justice, Science
and Related Agencies
521 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Matt Cartwright
Ranking Member
Subcommittee on Commerce, Justice, Science
and Related Agencies
2102 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairs Shaheen and Rogers, Ranking Members Moran and Cartwright, and Members of the House and Senate Subcommittees on Commerce, Justice, Science, and Related Agencies:

The Marine Retailers Associations of the Americas (MRAA) and the undersigned State and National Marine Trade Associations write today to urge the Committee to include the attached language in 2024 Commerce, Justice, Science, and Related Agencies appropriations bill.

The MRAA and the undersigned State and National Marine Trade Associations represent boating businesses from retailers, marina and accessory stores, to boat builders, accessory manufactures, and more, and represent a comprehensive a cross section of the recreational boating industry throughout America. The undersigned organizations urge the Committee to adopt the attached language in the 2024 Commerce, Justice, Science, and Related Agencies Appropriations section to provide more technical support to the National Oceanographic and Atmospheric Administration (NOAA) for the monitoring and improved safety of the endangered Right Whale.

Our requested language would provide \$5 million in FY2024 Appropriations to NOAA for the North Atlantic right whale near real-time monitoring and mitigation program authorized in the FY2023 National Defense Authorization Act, prohibit the use of government funds to change existing vessel speed regulations until the real-time monitoring program is implemented and also prevent NOAA from using Automatic Information Systems to enforce its proposed speed restrictions for recreational boats under 65 feet in length. Lastly, the language would direct NOAA to leverage emerging technologies in collaboration with the recreational marine community, to implement advanced marine wildlife tracking.

As currently drafted, the proposed changes to the Right Whale Vessels Speed Rule (NOAA- NMFS – 2022-0022) stands to have a significant negative impact on recreational boating and will directly harm the many members of the undersigned State and National Marine Trades Associations. While drafting the proposed rule NOAA did not collaborate with impacted stakeholders and neglected input from not only the recreational boating industry, but those responsible for enforcing the updated regulation, the U.S. Coast Guard. Ignoring opportunities for information sharing and communication that would have ultimately led to a more balanced approach to the rule.

Furthermore, many assumptions made throughout the proposed rule are inaccurate and do not reflect the real impact this will have on recreational boating. For example, NOAA estimated that approximately 9,000 recreational boats would be impacted by the proposed rule, however, U.S. Coast Guard registration data shows that this number is closer to 63,000 recreational boats. Given the rule's shortsightedness, the national economic contributions of the recreational boating and fishing industry are also in jeopardy, accounting for \$170 billion in economic contributions and supporting 691,000 U.S. jobs, and nearly 2% of annual U.S. GDP.

Not only is the current rule fraught with inaccuracies relating to the impact it will have on recreational boating, it also prompts serious concern from the industry relating to boater safety. NOAA's proposed regulation does not take into account how recreational boats are designed or used. Instead, it lumps smaller recreational boats (between 35 feet and 65 feet) in with commercial ships and ocean-going vessels. As a result, recreational boaters and anglers would be forced to abide by dangerously low speed limits (10 knots, equivalent to 11 mph) while boating in the open Atlantic Ocean. When traveling at this speed, boats are more likely to be overcome or capsize, putting boaters and their families at risk.

Desired Language:

- *"For necessary expenses of designing and deploying the near real-time monitoring and mitigation program for threatened or endangered cetaceans authorized by Sec. 11303 of Public Law 117-263, \$5,000,000: Provided, no funds shall be used to finalize, implement, or enforce any amendments, updates, modifications, or replacements of the North Atlantic right whale vessel strike reduction rule (50 CFR 224.105 - **Speed restrictions to protect North Atlantic Right Whales**) in effect in Fiscal Year 2022 until such time as Sec. 11303(e) of Public Law 117- 263 is fully implemented and the Secretary provides a report to the House and Senate Committees on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Natural Resources on the mitigation protocols developed and deployed and how those protocols will inform any proposed changes to 50 CFR 224.105."*
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The MRAA and the undersigned State Marine Trade Associations greatly appreciate the consideration of our request and hope that the Subcommittee include the above language in the 2024 CJS Appropriations Title. Not only will this language provide more resources for NOAA to increase their monitoring ability it will also provide much needed time to fully evaluate the impact of the proposed regulation on the recreational boating industry. If you have any questions, please feel free to reach out to Chad Tokowicz, Government Relations Manager for the MRAA at Chad@mraa.com or 978-569-5127.

Sincerely,

Chad Tokowicz
Government Relations Manager
Marine Retailers Association of the Americas

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