

Stop NOAA's Proposed Speed Rule: Protect North Atlantic Right Whales and Recreational Boating & Fishing

The Issue

The National Oceanic and Atmospheric Administration (NOAA) has proposed a substantial expansion of its North Atlantic Right Whale Vessel Strike Reduction Rule. The current rule applies to boats 65 feet and greater within limited areas where risk to the North Atlantic right whale is higher. Under the proposed expansion of the rule, all boats 35 feet and greater must travel at 10 knots (11 mph) within a vast area extending from Massachusetts to central Florida, for up to 8 months out of the year and in some places up to 90 miles offshore.

Since 2017, the North Atlantic right whale has experienced an unusual mortality event (UME). Unfortunately, the exact cause of this UME is unknown. NOAA's proposed changes to the vessel speed rule is shortsighted and lacks a data-driven approach to protect the North Atlantic right whale population. There is scant evidence that vessels smaller than 65 feet are contributing to the UME, and the proposed changes put boater safety at risk, raise privacy concerns, severely limit boater access to the Atlantic Ocean, and harm coastal economies.

By the Numbers

- Approximately 350 North Atlantic right whales in existence¹.
- NOAA estimates 12 North Atlantic right whale vessel strike mortality events since 2008, with five attributed to boats less than 65 feet. Only one of the five mortality events occurred outside the existing Seasonal Speed Zones (SSZs). The size of the boat is unknown².
- There have been **5.1 million offshore fishing trips** since 2008 by boats between 35-65 feet in length³.
- NOAA estimates approximately 9,000 recreational boats will be affected by the regulation. U.S. Coast Guard boat registration data shows that number is closer to **63,000 recreational boats**⁴.
- 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**⁵, and **nearly 2% of annual U.S. GDP**⁶.

¹ Fisheries, NOAA. "[North Atlantic Right Whale](#)." NOAA, 8 Mar. 2023.

² Archives, National. "[The Federal Register](#)." "[Federal Register, Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule](#)," 1 Aug. 2022.

³ American Sportfishing Association (ASA). "[Vessel Speed Restrictions Will Cripple Coastal Communities, Fail to Protect Right Whales](#)." ASA, 4 Jan. 2023.

⁴ InfoLink Technologies using United States Coast Guard boat registration report, 2021.

⁵ [National Marine Manufacturers Association Economic Impact Study](#), 2018.

⁶ U.S. Department of Commerce, Bureau of Economic Analysis "Outdoor Recreation Satellite Account, U.S. and States, 2021." Outdoor Recreation Satellite Account, U.S. and States, 202 | U.S. Bureau of Economic Analysis (BEA), Nov. 2022.

Boater Safety Risks

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.

Lack of Collaboration with Affected Parties

NOAA crafted its proposed rule changes without consulting with the recreational marine community or the U.S. Coast Guard, which is responsible for enforcing the rule. The agency ignored opportunities for information sharing and communication and ultimately, a more effective, balanced approach to the rule.

Increased Privacy Concerns

NOAA's proposed rule changes suggests the installation of Automatic Information Systems (AIS) will be required on all boats 35 feet and greater. These devices would allow the federal government to enforce the regulation by tracking recreational boaters' locations and behaviors, and fine boaters who exceed the 10 knot speed limit, posing serious privacy concerns for the American public.

There's a Better Solution

Balanced regulations and advanced whale-tracking and monitoring technologies that protect North Atlantic right whales and coastal communities are achievable. A rule created in collaboration with the recreational marine community that's grounded in science, marine industry data, and technological innovation, is essential for effective whale protections. The recreational boating and fishing community has launched an effort to advance navigational technology. This emerging technology provides viable long-term opportunities to improve North Atlantic right whale protections and needs to be considered.

Our Ask

- 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.
- Stop NOAA from using Automatic Information Systems to enforce its proposed speed restrictions for recreational boats under 65 feet in length.
- Direct NOAA to leverage emerging technologies in collaboration with the recreational marine community, to implement advanced marine wildlife tracking.

