



June 2nd, 2026

Mr. Samuel D. Raunch III
Deputy Assistant Administrator for Regulatory Programs
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

Re: Advance Notice of Proposed Rulemaking To Amend the North Atlantic Right Whale Vessel Strike Reduction Rule

The Marine Retailers Association of the Americas (MRAA) appreciates the opportunity to provide comments on this advance notice of proposed rulemaking to amend the North Atlantic Right Whale Vessel Strike Reduction Rule. We believe that this rule can be meaningfully modified to both improve access for recreational boaters and the conservation of the right whale species, while benefitting the small business that make up the United States \$230 billion recreational marine industry. The evolution of this regulation will not only ensure increased conservation of the North Atlantic Right Whale (Right Whale) but maintain access to our nation's public resources while ensuring the integrity of the American small businesses who comprise our nations recreational boating industry.

The MRAA is the leading trade association of North American small businesses that sell and service new and pre-owned recreational boats and operate marinas, boatyards, and accessory stores. MRAA represents more than 1,300 individual member retail locations and conducts advocacy efforts on their behalf.

Through our vast dealer network, we can directly reach recreational boaters, allowing important information to be shared directly with the boating public to increase compliance, boating safety, and conservation efforts. This provides us a unique opportunity for our members to help educate and train the public about new technologies to help track and avoid the Right Whale. Furthermore, our dealer network will be able to share updates to recreational boaters in real time via email, ensuring that they are aware of any Right Whale activity or Dynamic Management Zones.

The MRAA believes that the existing rule can be amended to strike a balance between recreational boating access and marine mammal conservation while considering widely available marine technology that can be leveraged by recreational boaters. Additionally, we employ the National Marine Fisheries Service to fully account for the potential economic impacts to marine retailers in the upcoming Draft Rule to fully capture the impact any proposed changes may have on the recreational boating industry at large. Since the rule was initially proposed in September of 2004, trends regarding large recreational vessels have changed and regulations impacting vessels over 65 feet, and even above 35 feet, have new and profound implications for the marine retailers of the current recreational boating market.

Marine Retailers Included in Future Regulatory Flexibility Analysis

The economic impacts to Marine Retailers (NAISC: 441222 - Boat Dealers) have historically been understated, if not outright omitted, in previous economic impact assessments regarding the Right Whale Vessel Strike Reduction Rule and its proposed amendments. The Regulatory Flexibility Analyses accompanying both NOAA's

2008 Right Whale Vessel Strike Reduction Rule¹ and the Initial Regulatory Flexibility Analysis² for the proposed 2022 amendments were limited to transit delays for different types of vessels and were woefully inadequate in scope. Any amendments must fully account for the potential economic impacts on marine retailers and recreational vessel sales as well as a wide variety of coastal businesses that would be impacted in turn by restrictions on vessel use. The vast majority of these coastal businesses and the significant supply chains that support them are small businesses and must be considered as part of a complete Regulatory Flexibility Analysis.

Marine retailers are directly affected by regulatory measures that impact vessel usability and operation conditions, these changes may ultimately result in consumers changing their purchasing decisions. Expanded speed restrictions and seasonal management requirements may discourage consumers from purchasing vessels commonly used in regulated waters, resulting in reduced sales opportunities for marine dealerships and associated small businesses. The burden of demonstrating this economic impact should not fall upon the industry, it is the responsibility of NMFS to complete this analysis and industry is more than willing to assist in that effort.

Notably, the U.S. Small Business Administration's Office of Advocacy stated in its 2022 comment letter³ that NMFS's Initial Regulatory Flexibility Analysis "may underestimate the impacts of the rule on small businesses and should therefore be revised." Accordingly, the MRAA requests that future Regulatory Flexibility Analyses conducted by the National Marine Fisheries Service regarding this Advanced Notice of Proposed Rulemaking to Amend the North Atlantic Right Whale Vessel Strike Reduction Rule specifically evaluate impacts on marine retailers and recreational vessel sales to ensure a more complete assessment of the rule's effects on the small businesses throughout the recreational boating industry.

Economic impact on Industry

Modernization of the current Vessel Strike Reduction Rule will likely have a positive economic impact on marine retailers and MRAA members. The potential shift to the use of short-term data driven Dynamic Speed Zones will likely lead to an increase in consumer confidence for vessels both over and under 65 feet in length. The previously proposed Amendments to the Right Whale Vessel Strike Reduction Rule stood to have an immense negative economic impact on marine retailers and MRAA members throughout the East Coast. The potential of boats 35 feet and over to be subject to speed regulations caused a lingering concern among the boating public and marine retailers regarding access to our nations waters and the ability to use and sell recreational vessels.

To fully highlight the negative economic impact of the proposed expansion of the 2008 Right Whale Vessel Strike Reduction we surveyed 65 of our members, both marine dealers and brokers, to craft an estimated impact on their businesses. For background and to put our survey results and estimates in context, we are including statistics on the overall impact of the recreational marine industry on the American economy from the National Marine Manufacturers Association's 2023 Economic Impact Study.⁴ The study indicates an overall annual economic impact for the recreational marine industry of \$230.3 billion based on direct, indirect and induced spending, \$56.7 billion in annual sales of boats, marine products and services. All of which supports over 800,000 jobs and more than 36,000 businesses of which, more than 90% are small businesses.

With this in mind, our survey results indicate that the average dealer or broker typically sells just over 12 boats between 35 and 65 feet annually with the total amongst respondents representing 739 total sales per year. The

¹ <https://www.federalregister.gov/documents/2008/10/10/E8-24177/endangered-fish-and-wildlife-final-rule-to-implement-speed-restrictions-to-reduce-the-threat-of-ship>

² https://media.fisheries.noaa.gov/2022-07/NARW_Proposed_Speed_Rule_RIR-IRFA%20_508_0.pdf

³ <https://advocacy.sba.gov/wp-content/uploads/2025/11/Advocacy-Vessel-Strike-Rule-Comment-Letter-2022.pdf>

⁴ <https://www.nmma.org/advocacy/economic-impact/recreational-boating>

average revenue generated from sales of boats in this size category is \$3.7 million per year per dealer or broker with the total reported annual revenue being \$224,275,000. We then asked respondents to estimate the number of sales they expect to lose if a more restrictive rule is finalized as proposed as well as the corresponding loss in revenue from those sales. Our respondents indicated an estimated average loss in revenue of \$3 million per business per year and a total loss of sales revenue of more than \$153.2 million. In addition to the sale of a boat, many of our members support their businesses by servicing, provisioning, and providing dock space for boats between 35 and 65 feet, and 65 feet and above.

Survey respondents were asked to estimate their lost revenue if the proposed rule is finalized as proposed and on average, they estimated a loss of \$1.1 million per year with a total loss of non-sales related revenue of \$15 million. The total lost sales revenue and lost revenue on service, dock space, and provisioning together are estimated by respondents to be worth more than \$168.3 million per year. This impact is only from a sample of 65 MRAA and AMI members, we note that there are 496 marine dealers and brokers on the Atlantic coast who face the same impact of the proposed rule. In order to capture the entire impact of the proposed rule for marine dealers and brokers on the Atlantic coast, we have used our survey results to extrapolate the full impact of the rule on these nearly 500 businesses on the Atlantic coast. Based on an estimated average loss of sales revenue of \$303,484 per boat per year in the 35-to-65-foot category and an estimated average loss of 10.1 boat sales per year, the estimated impact of the proposed rule on these 496 businesses is over \$1.5 billion in lost sales revenue with an additional estimated loss in non-sales revenue of more than \$566 million for a full estimate of the impact of the proposed rule of over \$2 billion per year. While these are estimates of the survey respondents, we later followed up with respondents to ask for current inventories of boats in the 35-to-65-foot category and those who responded to this follow up indicated that on average dealers and brokers currently have 18.7 units in stock worth an average of over \$11 million. A table of our results is included below.

	How many boats between 35-65 feet do you sell per year?	What would you estimate your total annual revenue is from the sale of boats between 35-65 feet?	If the proposed rule goes into effect, how many boat sales do you estimate you will lose per year?
Average among survey respondents	12.3	\$ 3,737,916.83	10.1
Total among survey respondents	739	\$ 224,275,010.00	505
Average from survey multiplied by total number of Atlantic coast dealers and brokers (496)	6109.1	\$ 1,854,006,749.33	5009.6
	How much in service revenue do you estimate you will lose if this rule goes into effect?	How much revenue do you suppose you will lose if boats between 35-65 feet do not dock at your facilities during the impacted months?	How much revenue do you estimate you will lose from provisioning vessels in the impacted range, due to the lack of dockage during the impacted months?
Average among survey respondents	\$ 600,625.00	\$ 301,727.27	\$ 238,888.89
Total among survey respondents	\$ 9,610,000.00	\$ 3,319,000.00	\$ 2,150,000.00
Average from survey multiplied by total number of Atlantic coast dealers and brokers (496)	\$ 297,910,000.00	\$ 149,656,727.27	\$ 118,488,888.89
	How many boats between 35 and 65 feet do you currently have in stock?	What is the estimated value of the boats currently in stock between 35 and 65 feet?	
Average among survey respondents	18.7	\$ 11,071,000.00	
Total among survey respondents	168	\$ 55,355,000.00	
Average from survey multiplied by total number of Atlantic coast dealers and brokers (496)	9258.7	\$ 5,491,216,000.00	

Table 1: Summary statistics of MRAA and AMI Atlantic coast members estimated impact of NARW Vessel Speed Restriction on marine dealers and brokers.

MRAA members currently sell and install a vast array of marine electronics and will be well equipped to install current and future technologies capable of aiding in the detection and conservation of the Right Whale. The sale and installation of marine electronics already represents a substantial income stream for marine retailers and any future regulations requiring new technologies may result in an increased demand for marine retailers. Furthermore, marine retailers may also be able to generate additional revenue through training customers on how to effectively use these new technologies to ensure compliance with future regulations, ultimately increasing safety on the water and the conservation of the Right Whale.

Again, the MRAA thanks the NMFS for the opportunity to provide input on this important regulation and to ultimately help improve efforts to conserve the Right Whale. We hope any future proposed regulations include a more thorough evaluation of the economic impacts on marine retailers specifically and the recreational boating industry at large. It is imperative that the impact to small businesses be fully realized and weighed when evaluating these regulations. Balancing access with conservation is the key to success as recreational boaters not only possess the tools to boat responsibly and avoid vessel strikes but ultimately love the marine ecosystem and understand that it is a shared responsibility to aid in the conservation and recovery of this loved marine mammal species.

Sincerely,



Mike Sayre
MRAA Government Relations Director



Chad Tokowicz
MRAA Government Relations Manager