

Advocacy Comments on NOAA's Proposed Rule to Impose Vessel Speed Restrictions for North Atlantic Right Whale Protections

On August 1, 2022, the U.S. Department of Commerce's National Marine Fisheries Service (NMFS) published a proposed rule titled Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule.¹ The proposed rule imposes vessel speed restrictions of 10 knots for vessels 35 feet to 65 feet in length both during certain times of the year when right whales may be present, and within specific boundaries along the Atlantic coast. The rule would also modify certain existing boundaries subject to the restrictions. On October 31, 2022, Advocacy filed a public comment letter on the proposed rule. Advocacy acknowledged the dire state of the right whale population but noted that the rule would further restrict an already heavily regulated and compliant maritime industry. Advocacy made the following additional comments:

- NMFS' Initial Regulatory Flexibility Act Analysis may underestimate the impacts of the rule on small businesses and should therefore be revised.
- NMFS should consider feasible alternatives to the proposed rule that would minimize the burden to the maritime community while still offering maximum conservation protections for the whales.
- NMFS should give the maritime community the opportunity to research and propose additional or new technologies that may assist in the detection and presence of whales.
- NMFS should consider additional outreach and education to those vessels most likely to be less informed of the current restrictions.
- NMFS should consider whale-centric protections, rather than broad restrictions that curtail maritime industry activities.

For more information, please contact Assistant Chief Counsel Prianka Sharma at prianka.sharma@sba.gov or at (202) 205-6938.

¹ Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule, 87 Fed. Reg. 46921, (August 1, 2022).