

FACT CHECK

NOAA's Proposed Speed Rule Misses the Mark on Protecting North Atlantic Right Whales

The Proposal

The National Oceanic and Atmospheric Administration (NOAA) has proposed a substantial expansion of its North Atlantic Right Whale Vessel Strike Reduction Rule. Under the proposed expansion, all boats 35 feet and greater cannot travel faster than 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. The proposed changes lack a data-driven approach to protect the North Atlantic right whale and are based on inaccurate assumptions. The result would be a sweeping expansion of the current rule, and poses human safety and privacy concerns, and would have devastating economic impacts on coastal communities.

MYTH: Speeding recreational boats and recreational boat strikes are significantly contributing to the North Atlantic right whale's Unusual Mortality Event (UME).

FACT

By the early 1890s, commercial whalers had hunted North Atlantic right whales to the brink of extinction. The North Atlantic right whale population has never fully recovered. Since 2017, the North Atlantic right whale population has experienced an Unusual Mortality Event (UME). This includes sub lethally injured or ill, seriously injured, and dead right whales. NOAA has documented 97 UMEs since 2017¹. A deeper dive into NOAA's data shows that since 1999, when the agency began tracking vessel strike mortalities and serious injuries in U.S. waters, only two of the total number of documented right whale deaths caused by vessel strikes are attributed to vessels less than 65 feet in length.²

MYTH: NOAA's proposed rule changes will have little impact on East Coast recreational boaters and anglers and will only affect 9,300 recreational boats.

FACT

U.S. Coast Guard boat registration data from 2021, analyzed by Info-Link Technologies, identifies 63,000 registered recreational saltwater boats measuring 35-65 feet in length along the East Coast—far more than the 9,300 identified by NOAA.³ Unfortunately, NOAA did not engage with the recreational marine community to better understand this data or the proposed rule's potential economic impact on coastal communities.

MYTH: The proposed expanded speed zones and mandatory 10 knot speed restriction for all boats 35 feet and greater are necessary to protect the North Atlantic right whale from extinction.

FACT

NOAA's proposed rule does not consider how recreational boats (between 35-65 feet) are designed or used and inaccurately assumes recreational boats are significantly contributing to North Atlantic right whale vessel strike mortalities. NOAA's inaccurate assumption that recreational boats under 65 feet in length are significantly contributing to whale mortalities wrongly lumps recreational boats in with large commercial ships and ocean-going vessels. By doing this, NOAA is proposing to enforce a dangerous speed limit (10 knots, or 11 mph) on small boats. Traveling at 10 knots in the open Atlantic Ocean is extremely dangerous for smaller boats and presents an increased risk to boaters, as small boats are more likely to be overcome or capsize at this speed. The recreational boating and fishing industry is advocating for a balanced, data-driven approach that protects the North Atlantic right whale but does not put boaters in danger when operating at dangerous speeds in the open waters of the Atlantic Ocean.

¹ Fisheries, NOAA, "[North Atlantic Right Whale](#)"

² Fisheries, NOAA, Media, "[Proposed Amendments to the North Atlantic Right Whale Vessel Speed Rule](#)"

³ Info-Link Technologies using United States Coast Guard boat registration report, 2021.

MYTH: NOAA's proposed rule changes will have an annual estimated yearly cost of \$46 million along the East Coast.⁴

FACT

According to an analysis by Southwick Associates, NOAA's proposed rule changes threaten to eliminate up to 70,000 recreational fishing trips ⁵ along the Atlantic seaboard, jeopardizing the \$170 billion national economic contributions from the recreational boating and fishing industry, which supports 691,000 U.S. jobs ⁶, and nearly 2% of annual U.S. GDP. ⁷ In Atlantic coastal states alone, 323,000 American jobs and nearly \$75 billion in crucial economic activity will be in jeopardy.

MYTH: The recreational boating industry is more concerned about making a profit than protecting marine wildlife.

FACT

The recreational boating and fishing industry supports protecting the North Atlantic right whale. Boaters and anglers rely on clean waters and a healthy marine ecosystem to partake in the very activities they love. The industry is asking for a data-driven, balanced approach to protect the North Atlantic right whale, instead of NOAA's current proposed rule which unnecessarily restricts access to our nation's public waters. The boating and fishing community is one of the leading drivers of conservation funding in the U.S., contributing over \$8 billion in conservation and restoration funds since 1950 ⁸. Efforts include funding for the Atlantic Conservation Grant Program and the Atlantic States Fisheries Commission⁹.

MYTH: Asking boaters to slow down isn't a big deal if it means protecting an endangered species.

FACT

NOAA's proposed rule would impact thousands of families, and over 63,000 recreational boats that operate along the Atlantic coast. These are small recreational boats that would be forced to travel at dangerously low speed limits (10 knots, equivalent to 11mph) while boating in the open waters of the Atlantic Ocean. When traveling at this speed, boats are more likely to be overcome or capsize, putting boaters and their families at risk. The recreational boating and fishing community supports protecting the North Atlantic right whale. That's why the industry is advocating for a balanced, data-driven approach that protects the North Atlantic right whale but does not put boaters in danger when operating at dangerous speeds in the open waters of the Atlantic Ocean.

MYTH: Boats already have Automatic Information Systems (AIS) installed so this should be an easy solution to enforcing the proposed rule.

FACT

Most recreational boats between 35-64 feet do not have Automatic Information Systems (AIS) installed, though some boaters voluntarily install these devices. Commercial vessels 65 feet and above are required by law to have these devices installed. NOAA's suggestion to install an AIS device in small recreational boats between 35 and 64 feet 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. This poses serious privacy concerns for the American public. Through collaboration with the marine industry to identify innovative technology solutions that track and monitor the right whale, NOAA can facilitate a more balanced approach that protects both the North Atlantic right whale and recreational boating and fishing.

⁴ Fisheries, NOAA, Media, "[Proposed Amendments to the North Atlantic Right Whale Vessel Speed Rule](#)"

⁵ NOAA Fisheries, [Marine Recreational Information Program](#).

⁶ [National Marine Manufacturers Association Economic Impact Study](#), 2018.

⁷ 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, 2021 | U.S. Bureau of Economic Analysis (BEA), Nov. 2022.

⁸ U.S. Fish and Wildlife Service, [Sport Fish Restoration Program](#).

⁹ Congressional Sportsmen's Foundation, "[CSF Lauds Reauthorization Of Sport Fish Restoration and Boating Trust Fund](#)"