

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 7 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 that poses boater safety concerns and would have devastating economic impacts on coastal communities.

MYTH: Speeding recreational boats are frequently striking North Atlantic right whales.

FACT

Since 2008 there have been five documented strikes of North Atlantic right whales by vessels under 65 feet in length¹. An analysis of NOAA data found approximately 5.1 million recreational fishing trips were taken along the eastern seaboard by vessels 35–65 feet in length since 2008. Assuming all five North Atlantic right whale strikes during this time were from smaller recreational boats, and that those boats were on fishing trips, the chance of a 35–65 foot recreational boat striking a right whale during an offshore fishing trip is at most 0.000098%, or less than one-in-a-million². Attempting to predict risk on a one-in-a-million chance of a strike from smaller recreational boats is not an effective management strategy and highlights the futility of expanding the seasonal speed zones to address such a small possibility of vessel strikes.

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 NOAA³. 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 based on data-driven science.

FACT

There are numerous flaws in the proposed rule that misrepresent how smaller recreational boats between 35–65 feet in length operate and the risk they pose to North Atlantic right whales. This includes that vessels 35–65 feet in length have a 10 meter draft (most have a draft of less than 2 meters), assuming smaller recreational boats have the same transit patterns as large commercial ships (they do not), and using whale density estimates that overestimate risk. Had NOAA consulted with the recreational fishing and boating community when developing its proposed rule changes, many of these errors could have been avoided and a more balanced approach could have been produced.

1 NOAA Fisheries. [Draft Environmental Assessment from July 2022, Appendix A](#)

2 Southwick Associates. [Impact Analysis for Proposed Modification 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 million⁴.

FACT

According to an analysis by Southwick Associates, NOAA's proposed rule changes threaten to eliminate up to 70,000 recreational fishing trips along the Atlantic seaboard, jeopardizing the \$203 billion in national economic contributions from the recreational boating and fishing industry, which supports 800,000 U.S. jobs and 36,000 businesses. In Atlantic coastal states alone 340,000 American jobs and nearly \$84 billion in crucial economic activity will be in jeopardy⁵.

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

FACT

The recreational boating and fishing community is committed to protecting the North Atlantic right whale and has launched a working group made up of diverse stakeholders who are focused on identifying, developing, and implementing technology and monitoring tools to mitigate the risk of vessel strikes to marine mammals⁶. Boaters and anglers rely on clean waters and a healthy marine ecosystem to partake in the very activities they love. The boating and fishing industry is one of the leading drivers of conservation funding in the U.S., contributing over \$8 billion in conservation and restoration funds since 1950⁷. The boating and fishing community 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.

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 over 63,000 recreational boats that operate along the Atlantic coast. These are smaller recreational boats that would be forced to travel at dangerously low speeds (not exceeding 10 knots, equivalent to 11 mph) 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 at risk. The recreational boating and fishing community supports protecting the North Atlantic right whale. That's why the recreational marine industry is advocating for a balanced, data-driven approach that protects the North Atlantic right whale and does not put boaters in danger.

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

⁵ National Marine Manufacturers Association Economic Impact Study, 2023

⁶ [Whale and Vessel Safety Taskforce](#), 2023

⁷ U.S. Fish and Wildlife Service. [Sport Fish Restoration Program](#)

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

About 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, established in 2008, 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 longer than 35 feet must travel at speeds no greater than 10 knots (11 mph) within a vast area extending from Massachusetts to central Florida, for up to 7 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), which includes sick, injured, or deceased whales. Unfortunately, the exact cause of this UME is unknown. NOAA's proposed changes to the vessel speed rule, while intended to protect the North Atlantic right whale, are shortsighted, lack a data-driven approach, and inaccurately assume small recreational boats under 65 feet are greatly contributing to the UME. The proposed changes will put boater safety at risk, severely limit boater access to the Atlantic Ocean, and harm coastal economies.

By the Numbers

- Approximately 350 North Atlantic right whales in existence¹.
- In the 24 years NOAA has been tracking vessel strikes, there have been two documented North Atlantic right whale deaths attributed to strikes by vessels less than 65 feet in length².
- 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 proposed rule changes. U.S. Coast Guard boat registration data shows that number is actually closer to 63,000 recreational boats⁴.
- In Atlantic coastal states 340,000 American jobs and nearly \$84 billion in economic activity are at risk⁵.

1 NOAA Fisheries. "North Atlantic Right Whale"

2 NOAA Fisheries. Draft Environment Assessment from July 2022, Appendix A

3 American Sport Fishing Association (ASA). "Vessel Speed Restrictions Will Cripple Coastal Communities, Fail to Protect Right Whales"

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

5 National Marine Manufacturers Association Economic Impact Study, 2023

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 35–65 feet in with commercial ships and ocean-going vessels. As a result, recreational boaters would be forced to travel at dangerously low speeds (no greater than 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 boater safety 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 that would protect the right whale population without negatively impacting coastal communities.

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.
- Direct NOAA to leverage emerging technologies in collaboration with the recreational marine community, to implement advanced marine wildlife tracking.

