

# Congress of the United States

## Washington, DC 20510

The Honorable Richard Spinrad, Ph.D  
Administrator  
National Oceanic & Atmospheric Administration  
1401 Constitution Avenue NW  
Washington, DC 20230

The Honorable Shalanda Young  
Director  
Office of Management and Budget  
17<sup>th</sup> Street, NW  
Washington, DC 20503

Dear Administrator Spinrad and Director Young:

We appreciate your time and attention recently in arranging a forum for us to discuss our significant concerns with the North Atlantic Right Whale (NARW) Vessel Strike Reduction (VSR) Rule currently under Office of Management and Budget (OMB) review. As members of the North Carolina Congressional delegation, we continue to believe that the finalization of this rule will have significant adverse impact to our state's economy and vibrant coastal communities. Further, we maintain that this proposed rule misses the mark since more reasonable alternatives for effective Right Whale protection are already available, including technologies already common aboard the types of vessels this rule targets.

We support common sense and targeted efforts to protect North Atlantic Right Whales and other endangered marine life. However, the proposed rule grossly underestimates its likely economic impacts and consequently fails to strike a reasonable balance between protecting wildlife and avoiding undue disruptions to marine travel, recreation, and commercial activities.

Under the proposed amendments to the 2008 rule, any vessel 35 feet or greater would be prohibited from traveling faster than 10 knots until—in some areas—they are 90 miles off North Carolina's entire coastline for up to seven months out of the year.<sup>1</sup> Despite this expansive new restriction, the National Oceanic and Atmospheric Administration (NOAA) July 2022 "Draft Environmental Assessment for Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule" calculated an adverse economic impact of \$46.2 million for the entire effected area.<sup>2</sup>

In our state alone, the recreational boating industry, which is one of many industries this proposed rule would affect, generates \$9.1 billion in annual economic impact and employs 28,000 people.<sup>3</sup> Additionally, there are nearly 385,000 boats in North Carolina.<sup>4</sup> One result of this rule would be less demand for chartered fishing trips due to the increased time it would take to travel to prime fishing spots. Accounting for these cascading, negative impacts demonstrates how widespread the economic impact of this rule would likely be.

Fewer customers for chartered trips leads to reduced orders for boats, which decreases the need for maintenance and manufacturing employees in our state. Additionally, fewer fishing trips reduces business at marinas, hotels, tackle shops, restaurants, and other small businesses that are the life blood of many small communities up and down our state's coast.

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<sup>1</sup> Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule, 87 Fed. Reg. 46,921 (proposed Aug. 1, 2022)

<sup>2</sup> National Oceanic and Atmospheric Administration (NOAA) Fisheries. (2022, July). North Atlantic Right Whale Proposed Speed Rule, Draft Environmental Assessment [PDF]. Retrieved from [https://media.fisheries.noaa.gov/2022-07/NARW\\_Proposed\\_Speed\\_Rule\\_Draft\\_EA\\_508\\_0.pdf](https://media.fisheries.noaa.gov/2022-07/NARW_Proposed_Speed_Rule_Draft_EA_508_0.pdf)

<sup>3</sup> National Marine Manufacturers Association. (2023, May 9). Top Recreational Boating States by Economic Impact: North Carolina [Press release]. Retrieved from <https://www.nmma.org/press/article/24413>

<sup>4</sup> *Ibid*

Report language included in the Fiscal Year (FY) 2024 Commerce, Science, and Justice appropriations bill directed NOAA to “engage with affected stakeholders and incorporate relevant comments” regarding the 2022 VSR rule.<sup>5</sup> Further, Congress directed NOAA to use previously appropriated funds to “support a near real-time monitoring and mitigation pilot program for NARWs” as authorized by statute.<sup>6</sup> Leveraging existing technologies and further developing emerging technologies will yield better results than the proposed unreliable enforcement regimes.

As you heard from us on the call, our constituents from all around the state of North Carolina are extremely concerned about this rule and its impacts. We believe that NOAA has a responsibility to work more collaboratively with technology developers to find a solution that protects Right Whales and preserves access to our state’s 301 miles of Atlantic coastline. We call on you to withdraw this flawed rule and ask that NOAA further engage with stakeholders and explore alternatives that protect whales and coastal access, including strike mitigation technologies, as directed by the FY24 language. We again thank you for your attention to this matter and stand ready to work with you and all other stakeholders to find a reasonable solution.

Sincerely,



Ted Budd  
United States Senator



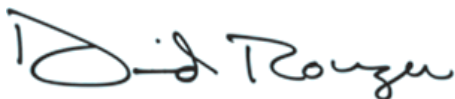
Thom Tillis  
United States Senator



Gregory F. Murphy, M.D.  
Member of Congress



Donald G. Davis  
Member of Congress



David Rouzer  
Member of Congress

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<sup>5</sup> Public Law No: 118-42

<sup>6</sup> 16 U.S.C. 1391