

July 31, 2024

Mr. Daniel Govoni
Federal Consistency Coordinator
North Carolina Department of Environmental Quality
400 Commerce Avenue
Morehead City, NC 28557

Re: North Atlantic Right Whale Vessel Strike Reduction Rule

Dear Mr. Govoni:

As bipartisan leaders of the North Carolina Legislative Sportsmen's Caucus, we are writing to express our concerns regarding the proposed amendment to the North Atlantic right whale vessel strike reduction rule. We are fully supportive of right whale conservation efforts, however given the substantial impact of the proposed vessel speed rule on the ability of anglers and boaters to safely venture offshore of North Carolina for much of the year, the fact the proposed seasonal management zones will have little measurable benefits to right whale conservation, and the lack of overall stakeholder engagement by NOAA in the development of the rule, we urge you to find that the proposed rule is not consistent with North Carolina's enforceable policies under the Coastal Zone Management Act (CZMA).

As currently proposed, the rule would expand mandatory speed restrictions to include vessels 35 to 65 feet and significantly broaden seasonal speed zones (SSZs) in both space and time, impacting tens of thousands of recreational vessels. Equally concerning is the impact this rule would have on the recreational charter fishing industry and non-boat owners. Thousands of North Carolina anglers who cannot afford their own boat must rely on charter fishing businesses to access their marine resources. The proposed 10-knot maximum speed limit extending 40 miles offshore will considerably extend travel times, reduce available fishing time, increase trip costs, and prohibit safe access to productive fishing areas for much of the year, ultimately resulting in fewer offshore trips annually. We fear the unintended consequences of what is being proposed will have significant detrimental effects to our coastal economies and our way of life with little or no gain for right whales.

With recent advancements in technologies including aerial surveillance, satellite tagging, vessel-mounted infrared cameras, marine radar, forward facing sonar, crowd-sourcing applications, and geofencing capabilities to transmit known locations to nearby vessels, North Atlantic right whale conservation could be more successfully achieved by using this real-time information to alert boaters of right whale presence so that they may avoid dangerous collisions.

In summary, we are fully supportive of realistic efforts to conserve the North Atlantic right whale, but more effective North Atlantic right whale conservation objectives could be achieved through technological solutions. The proposed rule will have significant impacts on the ability for North Carolinians to safely access our marine resources and the economic benefits that access provides. For this reason, we ask the North Carolina Department of Environmental Quality to find the rule inconsistent with the enforceable policies of our CZMA programs.

Thank you for your consideration.

Sincerely,

Senator Danny Britt
North Carolina Legislative Sportsmen's Caucus

Representative Michael Wray
North Carolina Legislative Sportsmen's Caucus

Senator Steve Jarvis
North Carolina Legislative Sportsmen's Caucus