

Congress of the United States
House of Representatives
Washington, DC 20515-0902

Richard W. Spinard, Ph.D.
Under Secretary of Commerce for Oceans and Atmosphere
National Oceanic and Atmospheric Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Ave. NW,
Washington, DC 20230

May 2, 2023

Dear Dr. Spinard,

We write to you to express our serious concerns regarding the new proposed rule, “To Establish a Vessel Speed Restriction and Other Vessel-Related Measures To Protect Rice’s Whales”,¹ and the adverse impacts this rule would have on our communities, port operations, and overall economy.

As you are aware, this overreaching proposed rule includes a year-round 10-knot vessel speed restriction within waters between 100 meters and 400 meters deep from approximately Pensacola, FL, to Tampa, FL, plus an additional 10 kilometers around that area, known as the “Vessel Slowdown Zone”. “The petition proposes the following additional restrictions within this “Vessel Slowdown Zone”: (a) no vessel transits at night; (b) vessels transiting through the zone must report their plans to the National Marine Fisheries Service (NMFS), utilize visual observers, and maintain a separation distance of 500 meters from Rice’s whales; (c) use and operate an Automatic Identification System, or notify NMFS of transits through the zone; and (d) report deviations from these requirements to NMFS.”²

While protecting endangered species is important, there is limited data showing vessel strikes are contributing to whale mortality rates. For instance, a Rice’s whale that washed up in 2019 was concluded to have died from a hard piece of plastic in its stomach. Moreover, according to NOAA, “it is often difficult to determine if it was indeed the cause of death for stranded animals”.³

Much of the Gulf of Mexico fishing grounds used by recreational and commercial fishermen would fall under the 10-knot rule. Florida proudly boasts 16 seaports. Cargo and cruise activities support 900,000 direct and indirect jobs and contribute \$117.6 billion in economic value to the state. Florida maritime activities account for approximately 13% of Florida’s GDP while

¹ <https://www.federalregister.gov/documents/2023/04/07/2023-06978/endangered-and-threatened-species-petition-to-establish-a-vessel-speed-restriction-and-other>


² <https://www.federalregister.gov/documents/2023/04/07/2023-06978/endangered-and-threatened-species-petition-to-establish-a-vessel-speed-restriction-and-other>

³ <https://www.fisheries.noaa.gov/species/rices-whale>

contributing \$4.2 billion in state and local taxes.⁴ Forcing a vessel to operate at a maximum of 10-knots would add several hours to a typical trip, and halting vessel transits at night altogether would surely devastate the seafood economy.

Recent data show outdoor recreation generates \$862 billion in economic output, with recreational boating and fishing the number one contributor to the outdoor recreation economy. This industry provides over 4.5 million American jobs and makes up 1.9% of U.S. GDP.⁵ We request you not finalize this proposed rule or one that is substantially similar, to ensure our communities, industry, ports, and overall economy can continue to flourish.

Sincerely,



Neal P. Dunn, M.D.
Member of Congress



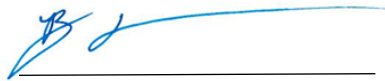
Daniel Webster
Member of Congress



Anna Paulina Luna
Member of Congress



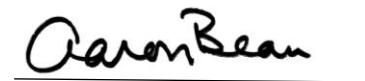
C. Scott Franklin
Member of Congress



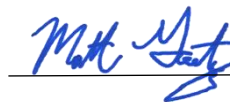
Byron Donalds
Member of Congress



Bill Posey
Member of Congress



Aaron Bean
Member of Congress



Matt Gaetz
Member of Congress



Gus Bilirakis
Member of Congress



Kat Cammack
Member of Congress

⁴ <https://flaports.org/about/the-florida-system-of-seaports/>

⁵

<https://www.nmma.org/press/article/24169#:~:text=These%20new%20numbers%20show%20outdoor,and%20the%20District%20of%20Columbia.>