



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Carolyn N. Belcher, Ph.D., Chair | Trish Murphey, Vice Chair
John Carmichael, Executive Director

October 31, 2022

Dr. Caroline Good
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Springs, MD 20910

Dear Dr. Good:

On behalf of the South Atlantic Fishery Management Council (Council), I thank you for the opportunity to comment on the National Oceanic and Atmospheric Administration (NOAA) North Atlantic Right Whale Vessel Strike Reduction Proposed Rule. The Council understands the importance of reducing the likelihood of mortalities and serious injuries to endangered North Atlantic right whales from vessel collisions. However, upon review of the proposed changes to the vessel speed rule, the Council requests that NOAA Fisheries expand comment opportunities, give greater consideration to the full range of economic impacts, and consider additional alternatives that would reduce impacts to fishing vessels.

Input from the boating public, especially fishermen, will be vital as NOAA continues to develop regulatory measures to reduce North Atlantic right whale mortalities. Council stakeholders have expressed frustration over the lack of engagement with fishing communities in the development of regulatory measures. Likewise, these stakeholders have questions and concerns about the analyses used to determine the risk of lethal interactions with vessels less than 65 feet in length. The Council recommends extending the current comment period beyond October 31, 2022 and spending additional time reaching out to relevant stakeholders. Additional outreach should include providing multiple opportunities for oral public comments in addition to the current written public comment opportunity.

The regulatory measures included in the proposed rule, specifically broadening the spatial boundaries and timing of seasonal speed restriction areas, and expanding mandatory speed restrictions of 10 knots or less to include most vessels 35–65 feet in length, are going to result in substantial negative effects to fishermen participating in fisheries managed by the Council. Due to mild winter weather in the Southeast, there is significant fishing effort during the months impacted by the proposed rule change, leading the Council to dispute the assertion in the proposed rule that the seasonal nature of the rule will minimize impacts. Many charter/for-hire vessels operating throughout the South Atlantic region, opt to run two short trips a day as

opposed to one longer trip. The proposed speed restrictions would prevent charter/for-hire fishermen from running such back-to-back trips due to the additional travel time required. This would not only decrease income for charter/for-hire businesses, but also changes the types of trips (i.e., half day trips) they are able to offer to their customers. Additionally, loss of fishing time to increased travel time to and from productive fishing grounds will make it difficult to market charter/for-hire trips for the usual and customary fees. Tournaments that occur during the winter months may also see a decrease in participation due to the additional cost of travel time to fishing grounds.

By impacting potential distances offshore fishing trips can occur, the proposed rules will have differing impacts on fishing opportunities. During the winter months, when the proposed changes would apply, waters nearshore are typically cold thus requiring commercial and recreational fishermen to travel farther offshore to reach species that prefer warmer waters, such as King Mackerel, Spanish Mackerel, and Cobia. However, cooler nearshore waters also bring some species, such as groupers and Black Sea Bass, closer to shore and into shallower waters, providing important fishing opportunities for many anglers and charter/for-hire businesses. However, given the temporal and spatial aspects of the proposed changes, it is reasonable to assume that the proposed changes will result in a net loss of fishing time forcing both commercial and recreational sectors to operate in an environment of diminished efficiency.

The economic impact of the proposed regulations would extend well beyond the impacted vessels and fishing operations. Communities in the South Atlantic rely on income from fishing tourism, especially in the winter months when speed restrictions would be in place. Businesses associated with tourism (e.g., tackle shops, hotels, restaurants) would also experience negative economic consequences. Non-economic impacts are also of concern to the Council. First, if fishermen are forced to move to smaller vessels (less than 35-feet in length) to avoid the speed restrictions, safety at sea issues may increase for offshore fisheries. Second, fishermen in all sectors may reduce travel distances due to lower speed requirements and thereby shift effort to near-shore species that may not be able to sustain increased interest. Finally, the Council is aware that funding and available staff for law enforcement efforts are limited, and the proposed regulations would impose a heavier burden on those resources. It is critically important to the Council that fishing regulations in the South Atlantic region continue to be fully enforced.

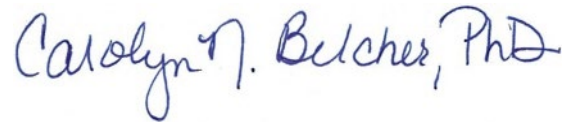
Due to the low co-occurrence and interaction between North Atlantic right whales and fishing activities in the South Atlantic region, the Council recommends the following measures to provide protection to North Atlantic right whales while minimizing the impact on fishing communities:

- Focus on utilizing dynamic fishery management zones *only* for vessels 35-64 feet in length, as opposed to seasonal management areas which significantly restrict the efficient movement of fishing fleets.
- Monitoring safe zones in areas with high vessel activity, such as inlets and/or limit the timing of seasonal management areas to only those times of low visibility, such as sunset to sunrise.

- Leverage new technologies to better monitor real time North Atlantic right whale locations and partner with existing fishing applications to provide boaters with real time information on whale locations in the Southeast.

Again, on behalf of the Council, I would like to thank you and your staff for the hard work and continued dedication to working with the Council to protect the North Atlantic right whale population. If you require any additional information, please do not hesitate to contact Christina Wiegand, or myself.

Sincerely,

Handwritten signature of Carolyn N. Belcher, PhD in blue ink.

Carolyn N. Belcher, Ph.D.
Council Chair

LN# 202226

cc: SAFMC Members & Staff
Monica Smit-Brunello, NOAA GC
John McGovern and Rick DeVictor, NMFS SERO
Clay Porch and John Walter, SEFSC Miami