September 27, 2023

The Honorable Gina Raimondo
Secretary of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

RE: $82 million in Inflation Reduction Act funding for North Atlantic right whales

Dear Secretary Raimondo:

The undersigned, representing America's millions of recreational anglers and boaters, the sporting conservation community and the marine recreation industry, submit the following request in response to the National Oceanic and Atmospheric Administration (NOAA) notifying the public of its intention to provide funding for the purpose of reducing mortality to North Atlantic right whales (NARW). We appreciate NOAA's commitment to provide $82 million in funding, a portion of which will be aimed at reducing the risk of vessel strikes to the critically endangered NARW. Properly directed, this funding could represent a significant step toward meeting long-term conservation goals for this species while accommodating the concerns of our industry. Our industries bring substantial expertise to the very tasks that NOAA has outlined, and we strongly recommend that NOAA designate BoatUS Foundation to administer critical elements of the funding plan as set forth below. BoatUS Foundation, which administers ocean debris program funds for NOAA, would disburse these funds in the most expeditious and effective manner.

1. Monitoring and Modeling: $5.2 million to advance modeling using AI and historic/live data to predict whale locations. This would be distinct from the passive acoustic monitoring proposal by NOAA.
2. Vessel Strike Risk Reduction: $16.7 million for research, development and deployment of technology and practices to eliminate vessel strikes by recreational boaters. Plus, $5.1 million for education and outreach to boaters on avoidance and compliance (both risk reduction and enforcement categories).
3. Enforcement Efforts: $5.0 million for electronic communication advancements in enforcement mitigation so that boaters are fully informed of situational whale detection and responses.

We are fully committed to supporting the protection of North Atlantic right whales and are eager to collaborate with NOAA and others to ensure the effective utilization of this funding. Technology and

education must be leveraged to achieve that goal—our more detailed comments are attached hereto. We are eager to meet with you as soon as is convenient to review this recommended approach.

Respectfully,

Glenn Hughes, President
American Sportfishing Association

Chris Edmonston, VP Government Affairs
Boat Owners Association of the United States

Jim McDuffie, President
Bonefish and Tarpon Trust

Jeff Angers, President
Center for Sportfishing Policy

Patrick Murray, President
Coastal Conservation Association

Jeff Crane, President and CEO
Congressional Sportsmen's Foundation

Dr. Guy Harvey, Ph.D., Chairman Emeritus
Guy Harvey Foundation

Jason Schratwieser, President
International Game Fish Association

Matt Gruhn, President
Marine Retailers Association of the Americas

Frank Hugelmeyer, President
National Marine Manufacturers Association

Whit Fosburgh, President and CEO
Theodore Roosevelt Conservation Partnership

Marine Recreation Community's Detailed Recommendations for Allocating Inflation Reduction Act Funding for North Atlantic Right Whale Conservation

In the proposed vessel speed rule (VSR), the National Oceanic and Atmospheric Administration (NOAA) acknowledges that technology can play a role in this issue stating, *"NMFS also recognizes the role whale avoidance technologies may play in preventing vessel collisions and remains open to the future application of these technologies, if proven safe and effective."* This statement underscores our primary interest in this funding opportunity: that the money be used to explore effective technologies that prevent vessel collisions.

The recreational fishing and boating community must be active partners as these funds are rolled out. NOAA acknowledges the need to engage with the recreational fishing industry by stating in the National Saltwater Recreational Fishing Policy the importance of, "*Engaging with the recreational fishing community to understand and reduce interactions with protected species."* Furthermore, NOAA's Spotlight Species Actions for the North Atlantic right whale (NARW) states that NOAA is looking to carry out the following objectives:

- *Encouraging community stewardship and citizen science.*
- *Reducing human-caused threats such as entanglement in fishing gear, habitat destruction, vessel strikes, and noise pollution.*

We highlight these intentions made by NOAA to ensure that the recreational fishing and boating industry is consulted and included in this work. Recreational boaters are the most affected stakeholders of the VSR based on numbers of vessels, impacts to safety, impacts to the intended use of boats and that the entirety of our trips would be subject to speed restrictions thereby forcing their cancellation. Unfortunately, the record indicates that NOAA has a poor record of funding recreation-focused research. We emphasize the need for NOAA to work with our sector in this effort by partnering with BoatUS Foundation to administer a portion of the funds.

It is imperative to emphasize that all projects funded by this tranche of money should meet two basic criteria.

1) Projects must demonstrate a quantifiable reduction of risk. According to the Marine Mammal Commission, NOAA has been devoting considerable amounts of funds toward marine mammal research over the past two decades. Reports show that in FY2015, NOAA had a budget of $68.3 million for marine mammal research. In more recent years, NOAA had a marine mammal research budget of $36.96 million (FY19), $35.85 million (FY20) and $38.87 million (FY21). More than 30% of that money was allocated for technology development. It is important to recognize this spending history because it demonstrates that considerable money has been dedicated toward marine mammal research over the past 10 years, but those resources failed to produce meaningful results that are applicable to the current issue. The announcement of $82 million will only have value if it is directed toward innovative projects and research that produce measurable results to reduce risk of vessel strikes. We stress this point to illustrate that it is not just about money or a certain amount of money, but how the money is put to work.

2) Projects must be scalable. The proposed rule stands to subject 63,000 additional boats to vessel speed restrictions. Many of these boats are for recreational use and due to their construction, small relative size, and cost, there are limits to what technology can be deployed on these platforms. Technological advancements funded with Inflation Reduction Act money should focus on benefiting the largest number of boats. These funds should not be used to develop equipment or other systems that have limited applications or can only be installed on a certain

class of vessels, such as large, ocean-going, steel-hulled vessels. Projects must have benefits for the entire fleet. There are ways of addressing the inherent challenges of scaling up technology to reach all recreational boats through better communication and information sharing capabilities. As experts in our industry, we are asking to partner with NOAA on these important details.

Considering these comments, we would like to offer the following guidance on how we believe the $82 million should be best allocated to projects that will produce measurable results and ensure the quantifiable reduction of risk needed to recover the species. Key areas that warrant significant attention and funding include:

- **Monitoring, Detection and Communication Technology/Practices:** NOAA must prioritize research and development efforts aimed at innovative monitoring and detection technologies and practices for NARW. Currently there are programs that detect whales through various methods including visual sightings. These programs should be expanded to improve their timeliness by reducing the time of verification, and improving the rate at which this information is communicated to vessel operators and managers. There should also be support dedicated to exploring methods that can mimic satellite tagging such as tracking with gliders, drones, and other autonomous vehicles.

  Real-time information about the location of North Atlantic right whales is crucial for vessel operators to make informed decisions and avoid potential encounters. But that information only has value if it is relayed in a useable way to vessel operators to prompt appropriate action. Information from these types of efforts is primarily aggregated through one or more central database(s). These data populate websites and apps but do not go directly to vessel operators and therefore have limited use. BoatUS Foundation would support advancements that seek to actively communicate this information to mariners in real time using marine electronics or through phone applications. This will not only benefit the conservation of NARW but also enhance the safety of recreational boaters. Garmin is leading an effort to advance communication tools that would signal a significant breakthrough not only for existing data but also for all information gathered through projects envisioned by the Whale and Vessel Safety (WAVS) Taskforce.

- **Data Modeling to Predict Whale Locations:** Leveraging historical and real-time data with advanced artificial intelligence and machine learning technologies can revolutionize our ability to predict the locations of NARW. These predictive models can be integrated into nautical charts and GPS technologies, providing vessel operators with up-to-date information on likely whale presence and migration patterns. This real-time data-driven approach empowers boaters to make informed decisions and take proactive measures to mitigate risk. We have seen that these models are highly effective in predicting areas of highest probability to catch recreationally important species such as billfish and tuna. These models are driven by data sets that include bathymetric features as well as physical features from ocean observations. Used in a similar application for NARW, risk terrain models can offer critical information to help inform management decisions and response with appropriate management action that is more refined and nuanced compared to the broad-brush approach seen in the proposed VSR.

- **Outreach and Education:** Outreach and education programs targeted at boaters and fishermen will play a pivotal role in raising awareness about the presence and conservation needs of NARW. Several investigations find that compliance with the existing 2008 VSR were extremely low. A recent report published by NOAA states "*Compliance in entrance areas (SMZ's) outside the*

ports of Wilmington, Charleston, and Brunswick were exceptionally low, never reaching over 20% since 2008 except for the first season in Wilmington (Figures 45, 46 and 48)." Since the 2008 rules are largely directed to commercial vessels where the operator likely is not the owner, outreach to the maritime community could advance compliance. If compliance with existing regulations can be substantially improved, particularly in the waters frequented mostly by female and calf NARW, there should be measurable conservation benefits by simply educating operators on rules that have been in place for over 15 years. The same can be said for the voluntary dynamic management zones (DMZs) that are triggered by an acoustic detection and/or visual observation of three or more NARW. Reporting on DMZs found even lower compliance, 15% or lower. A logical first step would be to use some of this funding to improve compliance through outreach and education. By investing in such initiatives, we can ensure that recreational boaters are well-informed and engaged in responsible practices. BoatUS' leadership in this area can facilitate the dissemination of essential information and foster a continued culture of responsible coexistence between boaters and marine mammals. Outreach and engagement with the recreational sector were also identified as a priority by NOAA and were included in the National Saltwater Recreational Fisheries Policy published in March 2022.

In conclusion, we view this funding opportunity as a unique and hopefully groundbreaking opportunity to make a significant and lasting impact on North Atlantic right whale conservation and management. We have an opportunity to move away from a single tool approach and to develop multiple ways to address this conservation challenge. It also is an opportunity for NOAA to engage and support stakeholders, such as recreational anglers and the marine industry, who largely have been left out of these discussions. While there has been considerable allocation of funds to marine mammal research over the past 20 years, we believe that the key is not just the amount of funding but the strategic direction it takes.

We propose a shift toward solutions-driven and collaborative research that directly benefits mariners by reducing their risk of striking a whale and that drives the management process to allow the continued use of the public waters without compromising safety or public use. This includes embracing risk modeling tools, remote tracking, large-scale movement models, remote observation, and advanced technologies like oceanic lidar. All approaches that can offer measurable reduction in the occurrence of vessel strikes should be considered.

We also acknowledge the historical policy regarding safeguarding real-time data on whale locations. This policy, to a large extent, is responsible for the current situation where NOAA has limited options to manage the risk of vessel strikes with NARW. To effectively protect these whales, we believe it is essential to accelerate progress on providing such data to the public and vessel operators, ultimately enhancing the effectiveness of risk reduction efforts. Providing more information, not less, to the public is the only way to address this challenge.

We are ready and willing to work closely with NOAA, technology partners, and industry representatives to ensure that this funding leads to innovative and effective projects that protect North Atlantic right whales while minimizing adverse impacts on the recreational fishing and boating community. However, we cannot afford to continue funding the same programs that are disconnected from management. This 'historic' money must go toward projects that are specifically focusing on reducing risk of vessel strikes.

Thank you for your attention to this critical matter, and we look forward to collaborating with NOAA to achieve our shared conservation and management goals.