

June 30, 2023

The Honorable Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1401 Constitution Ave NW
Washington, DC 20230

Docket ID NOAA-NMFS-2023-0027

Dear Assistant Administrator Coit,

On behalf of the American Association of Port Authorities (AAPA), I am writing to express concern with the Petition to Establish a Vessel Speed Restriction and Other Vessel-Related Measures to Protect Rice's Whale (NOAA-NMFS-2023-0027). The restrictions included in the petition are extreme and raise significant life and safety concerns, have workability issues, and would greatly impact maritime commerce in the Gulf of Mexico.

AAPA calls on the National Marine Fisheries Service (NMFS) to implement technology to detect the presence of marine mammals like Rice's Whales, similar to measures required in the 2022 Coast Guard Reauthorization. It is critical that vessels be able to travel at speeds above ten knots and at night to ensure safe conditions and efficient operations of critical seaport infrastructure.

The petition requests the adoption of a regulation that establishes a year-round mandatory ten-knot speed limit measure, including avoiding transiting at night for all vessels operating within an area between Pensacola, Florida, to just south of Tampa, Florida. The proposed vessel speed restriction presents an increased risk to the health and safety of mariners and to the environment. Moving freight through our nation's harbors can be challenging and dangerous as vessels move to narrower channels and sea lanes. Vessel operators must consider several real-time conditions for safe navigation. These conditions greatly impact the maneuverability and steering controls for larger vessels at slower speeds. Without speed as an effective tool to overcome navigational conditions, the risk of vessel groundings and collisions increases. This could lead to loss of life and/or disastrous environmental consequences from fuel or oil spills.

A ten-knot speed restriction and moratorium on nighttime travel would have catastrophic effects on Florida seaports' ability to import and export critical goods. Two of Florida's four fuel importing ports would be affected by this rule, causing significant economic consequences for the state and region in normal times. In the unfortunate case of a significant natural disaster, like a hurricane, restrictions on these critical ports could cause disastrous consequences for the state's ability to respond to a crisis. In addition, vessels delivering and exporting cargo do not simply call on one port. They frequently make calls at ports throughout a region, such as at



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multiple ports in multiple states along the Gulf Coast. Being forced to reduce speed unreasonably and barred from transiting a portion of the Gulf Coast during nighttime hours would cause disastrous inefficiencies in the Gulf Coast maritime system. Vessels would have to drastically alter their routes and schedules to avoid these burdensome restrictions, causing backups and delays at other Gulf Coast ports.

The economic and disaster response implications of added delays and reduced efficiency from limited port operations will heavily impact the U.S. and Florida. Delays due to increased transit times will be compounded by limited daylight hours. Seaports in the impacted area are responsible for delivering over 40 percent of fuel to residents and visitors to the state of Florida and provide fuel to busy international airports including Orlando and Tampa.

Our nation's seaports are genuinely committed to taking steps to protect and preserve endangered and threatened species including by working with local and federal officials on near real-time monitoring equipment to prevent whale strikes. As stated above, we recommend NMFS implement technologies on vessels and at ports to detect the presence of marine mammals. The proposed petition without taking these common sense steps first would be an extreme measure causing undue economic impacts on the people of Florida, the Gulf Coast, and the nation. It is crucial that steps are taken to balance conservation goals with the safe and efficient movement of commerce. We ask that NMFS carefully consider the impact of affected ports and other maritime industry stakeholders and find the need for a new rule to be an unnecessary measure.

AAPA also concurs with the comments submitted by many other Gulf Coast maritime industry stakeholders, including the Florida Ports Council, Calcasieu River Waterway Harbor Safety Committee, Gulf Ports Association, and the Ports Association of Louisiana. Thank you for your attention and consideration of these critical issues.

Very Respectfully,



Christopher J. Connor
President and CEO
American Association of Port Authorities



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