

THE OFFICE OF
GOVERNOR MAURA T. HEALEY

LT. GOVERNOR KIMBERLEY DRISCOLL

December 23, 2024

Richard Spinrad
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW
Room 5128
Washington, DC 20230

Dear Administrator Spinrad,

As Governor of the Commonwealth of Massachusetts, I am writing to express my strong opposition to the National Oceanic and Atmospheric Administration's (NOAA) proposed changes to the North Atlantic right whale vessel speed rule. Massachusetts has long been a leader in North Atlantic right whale protection efforts and has the most stringent state regulations to protect right whales in the country. At the same time, we must ensure our island communities can still rely on the ferry service that is vital to their economy and emergency response. The inclusion of Nantucket and Vineyard sounds in this proposed action would not meaningfully increase protection for this endangered species but would have devastating impacts on residents and businesses on Cape Cod and the Islands.

On September 18, 2024, our Office of Coastal Zone Management (CZM) issued an objection to the proposed rule through the federal consistency review process authorized by the Coastal Zone Management Act, citing a lack of sufficient information that the area is either a migratory corridor or a feeding ground for right whales and that no vessel strikes have been documented in either Vineyard or Nantucket Sounds despite the relatively high volume of vessel traffic. CZM further found that the NOAA data and information on the economic impact of the proposed rule were not comprehensive and appear to substantially underestimate the economic impacts of the proposed rule.

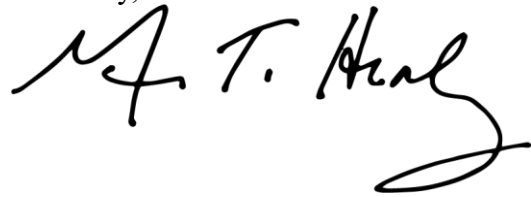
In addition to CZM's objection, NOAA received comments throughout the federal regulatory review process from Massachusetts residents, businesses and municipalities concerned with the devastating impact the new rule will have on their lives and livelihoods. An economic analysis recently published by [UMass Amherst Donoghue Institute](#) confirmed those sentiments for the island of Nantucket, noting, "The loss of commuters, visitors, and outbound trade reduces economic activity by about \$286 million and jobs by about 1,500 before accounting for any additional losses due to supply chain constraints and other disruptions." The analysis found that the economic impact translates to 11% loss to Nantucket's economy. By contrast the economic impact of the proposed rule conducted by NOAA projected a total impact of less than \$17 million for all passenger, pilot, recreational vessels and commercial fishing on the entire Atlantic Coast.

Massachusetts takes immense pride in being a conservation leader. As you know, we have a first-in-the-nation seasonal speed restriction for small vessels, complementing the federal speed restriction for large vessels. Further, our Division of Marine Fisheries has partnered with the fishing industry to require mandatory use of weak buoy lines. In 2025, we will begin real-time and archival acoustic monitoring technology to better understand right whale movements, inform future management, and further reduce risks. This initiative is a part of our new programming funded by a \$4.6 million federal grant in 2023. Because of this leadership, in 2023 members of our administration received the NOAA Fisheries “Partner in the Spotlight” Award for implementing measures to protect right whales. We remain committed to these conservation efforts and are concerned that the proposed speed rule is not supported with adequate evidence of the protection of right whales.

Our coastal communities recognize and value NOAA’s scientific and conservation leadership. I urge NOAA to consider further revisions to the proposed rule or provide exemptions for Vineyard and Nantucket Sounds.

Thank you for your consideration of this important request.

Sincerely,

A handwritten signature in black ink, reading "M. T. Healey". The signature is fluid and cursive, with a large, sweeping flourish at the end of the name.

Maura T. Healey
Governor