

Committee on Natural Resources
Subcommittee on Water, Wildlife and Fisheries
Legislative Hearing
1324 Longworth House Office Building
June 27, 2024
9:30 AM

Questions from Chairman Cliff Bentz for Mr. Jeff Strong, President of Strong’s Marine and chair of the Marine Retailers Association of the Americas Board of Directors

- 1) Mr. Strong, one of the other witnesses at our hearing talked about technological approaches needing to be more thoroughly evaluated to “show whether these approaches can be used to replace, rather than supplement, vessel speed restrictions.” However, it’s important to note that the legislation we considered seeks to keep the existing rule in place, not remove it entirely.
 - a. Can you talk about the importance of pursuing a more thoughtful approach that utilizes technologies and other forms of mitigation to prevent vessel strikes?
 - i. NOAA neglected to evaluate opportunities that would leverage existing technology to support risk reduction. Instead, it is simply relying on archaic speed limits – which will likely be much less effective than taking a 21st century approach. Sophisticated technology that could be implemented immediately exists today, including radio frequency transmission and whale collection data aggregation. There are also various technologies currently in development, including 3D sonar mapping, infrared imagery detection and innovative marine radar algorithms. The combination of these technologies enables mariners to detect and monitor whales more efficiently and take proactive measures to help prevent strikes. For example, the Massachusetts Division of Marine Fisheries partners with the Provincetown Center for Coastal Studies, Woods Hole Oceanographic Institution and the National Marine Fisheries Service to conduct areal and acoustic monitoring of Cape Cod Bay to inform targeted fishery closures and vessel speed restrictions.¹ Regular monitoring of these areas ensures that these fishery closures and vessel speed restrictions are *only* in place during times when right whales are *known* to be present. Not only did NOAA overlook examples of how technology is currently leveraged to conserve the NARW, they also did not meaningfully consult with the recreational marine industry to determine what technologies currently exist. In short, technology and other approaches must be considered not only to increase the likelihood of success for the NARW population, but to also minimize negative economic impact on stakeholders while maintaining access to our nation’s ocean.

¹ <https://www.mass.gov/doc/042823-dmf-monitoring-presence-of-right-whales-in-coastal-waters/download>

- 2) When you discussed how to integrate technology to reduce vessel strikes and mitigate the impact to species like the North American right whale, one of our colleagues said that it might be beneficial to revisit the rule once those technologies were in place.
- a. Do you believe that NOAA should take more time to work with the sectors of the economy that stand to be hurt by these proposed amendments before moving forward? And do you agree that there are technologies that currently exist that help accomplish that objective?
 - i. These technologies are in place. For example, in February, the National Marine Manufacturers Association hosted Janet Coit, Assistant Administrator for NOAA Fisheries, at the Discover Boating Miami International Boat Show to show her and her team exactly what technologies exist today to detect marine mammals and reduce boat strikes.² In March, NOAA hosted a technology workshop to hear from key stakeholders and businesses that have the data and technologies today to help mitigate the risk of vessel strikes. In April, many of these same manufacturers briefed Congress and showcased the technology that exists today that can better reduce the risk of marine mammal vessel strikes. NOAA must not only work with impacted sectors of the economy before moving forward but should also work with scientists and technology developers to better understand what technology and tactics can be employed to conserve the NARW. . Furthermore, more than 1.5 years after the rule was proposed, Lastly, to highlight currently existing technologies as well as develop and research other technology the marine industry has created the Whales and Vessel Speed (WAVS) Task Force. In October 2023, the Taskforce shared a white paper (found on the WAVS Taskforce site) with NOAA that provides an overview of the technology that's currently available for deployment today. The WAVS Taskforce is focused on five key areas, known as the Vessel Strike Risk Reduction Chain:
 1. Detection: Using various technologies to detect the presence of whales and other marine mammals, including sonar, radar, camera & AI, crowd sourced observation, etc.
 2. Aggregation: Collecting data for a central clearing house. Analyzing data to reduce noise, duplication, and other artifacts.
 3. Dissemination: Sending the data out for stakeholder receipt in an efficient and timely manner.
 4. Integration: Leveraging disseminated data to create an on-board experience aimed to influence operation and decision making.
 5. Risk reduction: Boaters use the display data to make informed decisions and take appropriate action to reduce vessel strike risk.

² <https://www.nmma.org/press/article/24622>