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The Honorable Gina M. Raimondo  
Secretary of Commerce  
1401 Constitution Ave NW  
Washington, DC 20230

Dear Secretary Raimondo,

On behalf of the Georgia Ports Authority (GPA), I would like to express our concern with NOAA's proposed "Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule." We believe that NOAA is overlooking several critical factors as it seeks to implement harmful changes to the existing rule. The proposed rule raises considerable life and safety concerns and would cause further interruptions to an already strained supply chain. If implemented in its current form, this rule will exacerbate congestion at American ports – resulting in detrimental effects on the nation's economy.

**It is our hope that NOAA Fisheries will work closely with the affected ports and other maritime industry stakeholders to determine an accurate effect of any rule changes on port communities. We would request that NOAA consider an adjustment of the proposed rule – excluding Federal Navigation Channels and pilot boarding areas as well as exempting pilot vessels from these speed restriction zones.** This modest alteration removes less than 1% of the total area covered by NOAA's proposed rule while protecting the safe, efficient movement of imports and exports through East coast ports.

The GPA appreciates the need for reasonable regulation to protect the North Atlantic Right Whale and is committed to that effort. We have implemented several voluntary measures throughout the years to help protect the critically endangered species. In fact, CMA-CGM, in partnership with the GPA, recently launched an acoustic monitoring buoy off the coast of Savannah to increase North Atlantic right whale detection efforts.

Furthermore, we agree that it is important to monitor the effectiveness of vessel speed regulations to reduce vessel strikes. However, it is also critical to find balance between our shared conservation goals and ensuring America's economic vitality. The GPA believes that present regulations are more than sufficient.

NOAA's recently proposed changes to the existing vessel speed rule will negatively affect the safe transit of ocean-going vessels during the designated seasonal management window. State-licensed pilots are expected to act in the public interest, and to maintain a professional judgment that comports with the needs of maritime safety. In addition, state and federal licensing and regulatory authorities require

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+ Port of Brunswick

compulsory pilots to take all reasonable actions to prevent ships under their navigational control from engaging in unsafe operations.

Local pilots must consider hydrological, meteorological and many other factors for safe navigation. These considerations greatly affect maneuverability and steering controls – particularly at slower speeds for larger vessels when transiting our nation’s harbors.

The NOAA-proposed speed restriction will lead to reduced service capacity and ship delays along the entire Eastern seaboard. Without speed as an effective tool to overcome navigational influences, ocean-going cargo vessels will be unable to safely traverse our nation’s harbors. This will likely result in temporary port closures and significant congestion outside the affected harbors.

NOAA’s proposed changes to the deviation clause will place an enormous burden on the ship’s master and the pilot. The new rule would require a vessel operator to complete and electronically submit a deviation report to NOAA within 48 hours of deviating from the rule. This reporting requirement would be burdensome and distracting during a time when focus on safely navigating the vessel is most critical. Many questions remain over the enforceability, potential criminality, and due process for cases where there is disagreement in a deviation’s justification. These are not adequately addressed in the proposed rule change.

Requiring the slower speeds of pilot boats will also lead to additional delays in the movement of goods and increase port congestion along the entire East Coast. East Coast pilot boarding areas can be as far as 20 miles or more offshore. If implemented, the new speed rule could double or even triple the amount of time it takes for a pilot boat to reach a vessel. The economic impacts of these added delays and the reduced efficiency on port operations were not factored into NOAA’s economic analysis.

It is highly unlikely that ships will wait at sea for weeks or months for a berth and will seek alternative ports not impacted by this rule, perhaps ports in South Florida, the Gulf Coast, or the West Coast. These alternate gateways do not have the capacity to absorb 40% to 50% of the affected ports’ volumes and would quickly back up. In short, the nation will again experience pandemic era supply chain disruptions.

NOAA’s economic impact assessment for the newly proposed rule does not consider any additional negative impacts to ocean-going vessels because they are already regulated under the existing rule. The changes in deviation reporting and enforcement proposed under this rule, however, greatly alter the enforcement and oversight of necessary deviations, thereby greatly expanding the impacts on ocean-going vessels.

The negative economic impact of this proposed rule equates to the loss of up to an estimated 1,283 diverted cargo ships destined for Georgia port facilities. Amongst the other cargoes, these diverted ships would include up to 3.1 million TEUs, equating to an estimated \$3.8 Billion in revenue for Georgia businesses, 26,820 Georgia jobs, \$1.3 billion in personal income and \$1.85 billion in GDP – far surpassing the total negative economic impacts assumed by the 2022 Draft Regulatory Impact Review and Initial Regulatory Flexibility Analysis of this proposed rule for the entire East Coast.

Normally, freight moves based upon connectivity and cost. NOAA’s proposed amendment, however, would require freight to move a greater distance over land at a greater cost to the shipper. The resultant cost increases would then be passed along to the consumer and cause significant inflationary

impacts to the American economy. This rerouted cargo would also have an increased impact on the environment compared to current operations.

The potential increases of greenhouse gas emissions from the landside transportation of rerouted cargo are merely a fraction of what the emission impacts of vessels anchored at sea, waiting for weeks for a berth. As inbound vessels arrive and congestion sets in, cargo delays will also continue to increase. In Savannah and Brunswick, maximum peak days could see over 200 vessels per day waiting at anchorage. Over 1.8 million metric tons of GHG emissions may be emitted in Georgia alone as a result of these vessels – 3 times higher than the 2020 vessel emissions totals for the Ports of Los Angeles and Long Beach combined.

The GPA requests that NOAA consult with appropriate federal partners to assess the full scope of the safety, environmental and economic impacts of their proposal. The United States Coast Guard is a key partner of the maritime sector in protecting the safe and efficient movement of cargo into and out of our nation's ports. The Environmental Protection Agency can thoroughly assess the significant negative air quality impacts that this rule amendment would generate. The President's Supply Chain Disruptions Task Force can further consider the administration's priorities regarding the massive economic disruptions created by NOAA's proposition.

Once again, we would highly encourage NOAA to consider adjusting their proposed rule to exclude Federal Navigation Channels as well as the exemption of pilot vessels from these speed restriction zones. This modest alteration removes less than 1% of the total area covered by NOAA's proposed rule and would significantly reduce the negative safety of life, environmental and economic disruptions described above. Thank you in advance for your consideration of our request.

Sincerely,

A handwritten signature in blue ink that reads "Griff Lynch". The signature is fluid and cursive, with the first name "Griff" being more prominent than the last name "Lynch".

Griff Lynch  
Executive Director