

# *McElroy & Donaldson*

*Michael R. McElroy  
Leah J. Donaldson*

*Attorneys at Law*

*Michael@McElroyLawOffice.com  
Leah@McElroyLawOffice.com*

*Members of the Rhode Island  
and Massachusetts Bars*

*Office: 21 Dryden Lane  
Providence, RI 02904  
Mail: 3 Cedar Meadows Drive  
Smithfield, RI 02917*

*(401) 351-4100  
fax (401) 421-5696*

November 25, 2022

The Honorable Jack F. Reed  
United States Senate - R.I.  
728 Hart Senate Office Building  
Washington DC 20510

Re: Proposed NOAA Fisheries North Atlantic Right Whale Reduced Speed Zones  
NOAA-NMFS-2022-022

Dear Senator Reed:

I am the General Counsel of Interstate Navigation Company d/b/a The Block Island Ferry (Interstate) in Rhode Island. Interstate is strongly opposed to the Proposed NOAA Fisheries North Atlantic right whale reduced Speed Zones. These proposed regulations would adversely impact Interstate's ability to provide necessary ferry services to and from Block Island.

Interstate provides year-round lifeline passenger/vehicle/ferry services. There is no bridge to Block Island, which has about 1,000 year-round residents. In the summer tourist season, the Island population grows exponentially. The ferry route travels upon the waters of Block Island and Rhode Island Sounds. Interstate's ferries transport passengers, automobiles, trucks, and freight. Interstate operates a single passenger/vehicle/cargo ferry during the winter months, and during the spring, summer, and fall months, Interstate operates a combination of five traditional and high-speed ferry vessels to and from Block Island.

Interstate's traditional passenger/vehicle/freight ferries operate at 16.5 knots. The traditional trip takes about 55 minutes. Interstate also operates two high speed passenger ferries in the summer that travel at about 30 knots. The high-speed trip takes about 30 minutes.

Interstate is fully aware of and adheres to the current rule that its ferries must stay at least 500 yards from a right whale.

In over 30 years of daily operations, Interstate's ferries have never struck a right whale (or any whale at all for that matter). There have been no documented right whale sightings by any of

Interstate's vessel Captains, watch standers, or crew. It is a widespread belief that the local waters in the vicinity of Interstate's ferry routes are too shallow for the North Atlantic right whales.

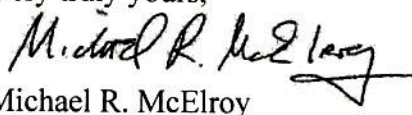
If Interstate were required to adhere to the proposed 10-knot reduced speed limit for all of its ferries, it would add an additional 30 to 35 minutes for a single one-way crossing between Point Judith and Block Island for our traditional vessels. This would increase our crossing time to 1.5 hours for each trip with our traditional vessels, which would have a significant adverse impact on our operations and on the people who live, work, and visit Block Island. In addition, it would in all likelihood become impractical to operate our expensive high-speed vessels, which are in high demand in the summer. These vessels financially support our entire operation.

Therefore, as shown by the enclosed October 28, 2022 comment letter, we believe the proposed rule should not be adopted. However, if a rule is adopted, Interstate urges NOAA and the National Marine Fisheries Service to adopt the following:

1. Our ferry operation should be exempted because we provide essential lifeline ferry service to an island without a bridge to the mainland.
2. Any Seasonal Speed Zones should not start at the high-water line on the mainland shore in Rhode Island and Massachusetts. Instead, they should be moved away from ports and shorelines and moved seaward of (i.e., south of) Block Island.
3. Any Atlantic Seasonal Speed Zone should end no later than May 15. Extending it until May 30, as proposed, would interfere with busy Memorial Day traffic.
4. NOAA should not extend any Dynamic Speed Zone into an inland zone unless a right whale is sighted or detected acoustically.
5. Interstate would welcome NOAA or its delegated entity to provide our ferry captains and crew members with training in identifying and spotting right whales.
6. If NOAA sets up a system by which a ferry vessel operator can enroll to receive emails or text messages if right whales are spotted in a particular area, Interstate would welcome such a system and we recommend its implementation.

More details about our concerns and recommendations are set forth in the enclosed comment letter. We would be happy to meet at any time with you or any member of your staff to discuss our concerns in more detail.

Very truly yours,

  
Michael R. McElroy

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