

JAXPORT

June 5, 2023

Port Canaveral

Dr. Richard W. Spinard
 Under Secretary of Commerce for Oceans and Atmosphere
 National Oceanic and Atmospheric Administrator

Port Everglades

National Oceanic and Atmospheric Administration
 1401 Constitution Ave. NW,
 Washington, DC 20230

Port of Fernandina

**RE: Proposed Petition To Establish a Vessel Speed
 Restriction and Other Vessel-Related
 Measures To Protect Rice's Whales**

Port of Fort Pierce

Port of Key West

The purpose of this letter is to express our concerns and opposition to the “Vessel Slowdown Zone” rule proposed by NOAA in Federal Register Vol. 88, No. 67. This “Zone” would implement a year-round no night-time vessel transit rule and a 10-knot vessel speed restriction within waters between 100 meters and 400 meters deep from approximately Pensacola, FL, to Tampa, FL. (plus an additional 10 kilometers around that area).

PortMiami

Port of Palm Beach

The Florida Ports Council (FPC) serves as the professional association for Florida’s 16 deep-water public seaports and their management. Seaports are one of Florida’s greatest economic assets, positively affecting every region and every resident. Whether moving 100-plus million tons of cargo annually or millions of cruise passengers, Florida’s seaports generate and support a vast array of commerce. These seaports are the gateway for shipment of goods into and out of Florida and link our state to vital international markets.

Port of Panama City

Port of Pensacola

The proposed rule, along with the petition materials submitted to support the proposal provide a paucity of rationale for such an overreaching rule on Florida’s navigable commercial waters. The proposal to limit vessel operations in just Florida waters also calls into question whether this proposal is based on something other than scientific data.

Port of Port St. Joe

Port St. Pete

Implicit in the proposal and petition materials is a declaration that Florida seaports on the Gulf Coast have limited operations and shutting down or limiting operations at those seaports will not impact either supply chain issues in Florida or the U.S. Nothing could be further from the truth. These seaports are responsible for the delivery of over 40 percent of fuel to Floridians and visitors to the state – they provide fuel to some of the busiest airports in the U.S. – Orlando International Airport and Tampa International Airport. We wonder what the impact of this overreaching rule would have been during the recent fuel crisis at Port Everglades because of a weather incident when fuel terminals

Port Tampa Bay

SeaPort Manatee

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Port Canaveral	in Port Tampa and Port Manatee helped supply South Florida with fuel. Imagine what the impact will be if a Hurricane hits somewhere in Florida and NOAA has instituted a rule that essentially limits or even shuts down fuel vessel transits to Florida Gulf Coast ports.
Port Everglades	In addition to the impacts on fuel deliveries to Florida, this rule runs counter to efforts by other federal agencies and the State of Florida to increase the cargo capacity of Florida seaports to ensure an effective and efficient supply chain system for U.S. businesses and citizens. We have seen an increase in other cargo shipments into Florida Gulf Coast seaports because of these efforts to respond to supply chain crisis and Covid impacts.
Port of Fernandina	
Port of Fort Pierce	Because of federal, state, and local efforts, Florida seaports have seen record growth in cargo movements. On the Gulf Coast, SeaPort Manatee saw a 35 percent increase in containerized cargo tonnage last year – this includes record increases in construction materials and perishable food for Floridians. SeaPort Manatee maritime cargo activity generates over \$5 billion in economic impact and supports over 37,000 jobs. Port Panama City saw a record high of 2.03 million tons of cargo tonnage last year – this includes increases in construction and wire materials that also helped the area respond to the devastating impacts of Hurricane Michael. Port Panama City maritime cargo activity generates over \$1.6 billion in economic impact and supports over 10,700 jobs. Port of Pensacola saw a record 55 percent increase in cargo tonnage last year to 425,277 tons. The value of cargo moving through Port of Pensacola also has increased 419 percent to over \$300 million in cargo now transiting the port. Port Tampa Bay is the largest bulk cargo seaport in Florida and saw a record increase to over 34 million tons of cargo tonnage last year – this includes steel and lumber increases for construction in Florida. Port Tampa Bay generates over \$17 billion in economic impact and supports over 85,000 jobs. Any insinuation that these seaports are not “busy” is not only inaccurate but an insult to the over 100,000 men and women whose jobs are dependent on vessel and cargo activity at these seaports.
Port of Key West	
PortMiami	
Port of Palm Beach	
Port of Panama City	
Port of Pensacola	
Port of Port St. Joe	Florida’s seaports have been tireless advocates and stewards on protecting the environment and marine life that surrounds our state. This includes many of our seaports serving on ocean and marine advocacy groups like the Marine Resources Council, Green Marine, and the Florida Ocean Alliance. Florida seaports are committed to protecting whales on both the Atlantic and Gulf Coasts. We continue to work with local federal officials on near real time monitoring equipment to prevent whale strikes. Florida pilots and other vessel operators monitor their operations and movements in real time. We are dismayed by the lack of communication and interaction with NOAA officials in D.C. in the drafting of these overreaching regulations. Administrative procedures that call for just the submission (and what often appears to be a disregard) of hundreds of comments does
Port St. Pete	
Port Tampa Bay	
SeaPort Manatee	

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nothing to help justify the regulatory activity of NOAA or the impacts of these regulations on vital cargo supply chain operations around the U.S.

Port Canaveral

The Florida Ports Council requests NOAA rescind its proposed rule and take action to work closely with affected ports, maritime industry stakeholders, and others to accurately determine the effect any proposed rule would have on ports and port communities.

Port Everglades

Sincerely,

Port of Fernandina



Port of Fort Pierce

Michael Rubin
President & CEO
Florida Ports Council

Port of Key West

CC: Florida Congressional Delegation

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Port of Palm Beach

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