

## **Southeastern Legal Foundation Warns Against Looming 10-Knot Speed Limit Proposal**

*Pending proposal to regulate boat speeds in the Atlantic enters final stage*

WASHINGTON, DC (March 6, 2024): [Southeastern Legal Foundation](#) (SLF) again warns federal agencies to stop their efforts to illegally and unconstitutionally impose a 10-knot speed limit for boats along the Atlantic coast.

On March 5, 2024, the Office of Information and Regulatory Affairs (OIRA) announced that it was entering the final stage of approving a rule that would impose a seasonal 10-knot speed limit—the speed of a golf cart—for boats in the Atlantic waters to protect North Atlantic right whales. If it comes into effect, violations of the rule would be punishable by a felony charge punishable, and penalties of up to \$20,000 in fines and one year in prison.

In response, SLF issued a [stern warning](#) to the agencies responsible for the proposal, National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS), warning it against taking a final action. The contentious proposal would apply along the Atlantic coast for half the year to boats as small as 25 feet, a draconian move that boaters and fishermen decry as pointless and devastating to the economies of coastal communities. NOAA and NMFS’s decision to send the rule proposal to OIRA signals that the proposal is nearing completion.

As SLF warned in a [public comment](#) to the agencies last year, NOAA and NMFS lack both constitutional and statutory authority to set a coastal speed limit. According to their legal analysis, such a dramatic action absent congressional authorization would almost certainly fail.

Vice President of Litigation for SLF [Braden Boucek](#) explains, “Millions of Americans boat and fish each year. These agencies don’t have constitutional or statutory authority to make that a crime. And they certainly can’t make up their own laws. If this rule goes forward, we are fully prepared to defend the rights of Americans.”

SLF has [consistently pointed](#) to the federal government’s unsuccessful efforts to restrict American boaters and fishermen. The latest proposal is the boldest yet, carrying with it criminal and civil penalties for speeders and predicting that this rule would meet a similar fate.

SLF Executive Director [Kimberly Hermann](#) adds, “The way to save the whales is through technology. Pretty much everyone in America can track a package or monitor traffic in real time with their cell phone in their pocket. We can certainly track whales the size of an airplane. They don’t move particularly fast. Fishermen want to be allies. Why make enemies of them when they can help track and monitor endangered whales?”