

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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April 12, 2024

Richard Spinrad
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue NW
Washington, D.C. 20230

Dear Administrator Spinrad:

As Members of the House Committee on Oversight and Accountability, we write to express our concern that proposed Rice's whale and North Atlantic right whale expanded habitat protections could jeopardize the safety of vessels operating in the Gulf of Mexico and along the Eastern Seaboard. While reasonable measures should be taken to safeguard wildlife, the proposed measures for each species will not only hinder vital economic activity and add undue stress to supply chains, proposed actions could unnecessarily endanger the lives of mariners. As such, we request a staff-level briefing to ensure that the proposed standards have properly accounted for vessel and crew safety.

On July 24, 2023, the National Marine Fisheries Service (NMFS) and the National Oceanic and Atmospheric Administration (NOAA) published the proposed rule *Endangered and Threatened Species; Designation of Critical Habitat for the Rice's Whale*.¹ If enacted, this measure would designate 28,270 square miles in the Gulf of Mexico as critical habitat for Rice's whales,² and proposed critical habitat stipulations would compel vessels within this zone to comply with strict operating procedures that establish a 10-knot speed limit for oil and gas vehicles, prohibit movement at night, and require vessels to utilize visual whale observers.³ Likewise, on August 1, 2022, NMFS and NOAA published the proposed rule *Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule*,⁴ which would nearly double protected

¹ National Oceanic and Atmospheric Admin., *Endangered and Threatened Species; Designation of Critical Habitat for the Rice's Whale*, 88 Fed. Reg. 47453 (July 24, 2023) (proposed rule).

² *Id.*, at 47468.

³ National Oceanic and Atmospheric Admin., *Endangered and Threatened Species; Petition To Establish a Vessel Speed Restriction and Other Vessel-Related Measures To Protect Rice's Whales*, 88 Fed. Reg. 20846 (Apr. 7, 2023) (notice of receipt of petition; request for comments).

⁴ National Oceanic and Atmospheric Admin., *Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule*, 88 Fed. Reg. 46921 (Aug. 1, 2022) (proposed rule).

The Honorable Richard Spinrad

April 12, 2024

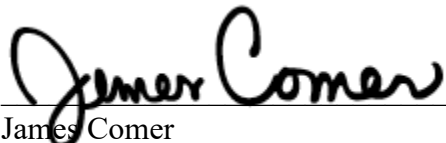
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areas for the North Atlantic right whale along the Atlantic Coast, implement a 10-knot speed limit for vessels, and include smaller crafts in its scope.

While these measures aim to safeguard marine life, the proposed rules could have unintended consequences that endanger vessels operating off our coasts. Certain watercrafts are not designed to operate within a 10-knot speed limit, and slower maneuvering speeds for large vessels in the proposed conditions would add unnecessary safety hazards for mariners.⁵ As evidenced by the unfortunate capsizing of the liftboat *Seacor Power* in 2021, vessel speed is an integral component to ensuring craft integrity and crew safety, especially in dangerous situations.⁶ Further, restricting vessel movement to daylight hours for industries that operate continually would not only severely hamper supply chains for essential goods and resources,⁷ it could also prompt imprudent determinations from captains attempting to meet deadlines.

To ensure NOAA's habitat protections have also properly taken vessel safety into account, we request a staff-level briefing as soon as possible but not later than April 19, 2024. If you have related questions or to schedule the briefing, contact House Committee on Oversight and Accountability Majority staff at 202-225-5074. Thank you for your attention to this important matter.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Michael Waltz
Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

⁵ Clayton Diamond, *Op-Ed: Vessel Speed Rules Must Take Navigational Safety Into Account*, THE MARITIME EXECUTIVE (Oct. 25, 2023).

⁶ National Transportation Safety Board, Press Release, *Severe Winds Led to Capsizing of Seacor Power* (Oct. 18, 2022).

⁷ Dino Grandoni and Timothy Puko, *Meet the whale that may upend the offshore oil industry*, WASH. POST (Sept. 26, 2023).