

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

April 16, 2025

Ms. Emily Menashes  
Acting Assistant Administrator  
U.S. National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Ms. Menashes:

The Committee on Oversight and Government Reform is investigating Biden Administration policies that led to higher energy costs and placed burdensome restrictions on consumer choice. Specifically, the Committee is evaluating “the regulatory costs, bad policies, and veiled special interests that defined the Biden Administration.”<sup>1</sup> As part of this investigation, the Committee seeks information about efforts of the U.S. National Marine Fisheries Service (NOAA Fisheries) to comply with President Donald Trump’s declaration of a National Energy Emergency by reevaluating past actions and policies that impacted energy costs.<sup>2</sup>

The Endangered Species Act (ESA) requires NOAA Fisheries to consult the Secretary of Commerce on whether a species should be listed as endangered or otherwise.<sup>3</sup> Environmentalist groups abused the ESA and regulations promulgated under its authority by filing a litany of lawsuits to create regulatory delays on infrastructure projects they oppose and to influence NOAA Fisheries’ decisions.<sup>4</sup> Under the Biden Administration, NOAA Fisheries tailored ESA policies to conform with these groups’ demands.<sup>5</sup> In one instance, the Biden Administration raised the bar for delisting a species from endangered status and sought to designate more habitats as critical

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<sup>1</sup> Letter from James Comer, Chairman, H. Comm. on Oversight and Gov’t Reform, to Doug Burgum, Sec’y, Dep’t of the Interior, *et al.* (Feb. 18, 2025).

<sup>2</sup> Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025).

<https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>

<sup>3</sup> 16 U.S.C. § 1531-1544.

<sup>4</sup> Rob Hotakainen, *Green Groups sue NOAA over protecting tope sharks*, E&E NEWS (Jun. 25, 2024); *Conservation Groups File Lawsuit Calling for NOAA Fisheries to Speed Up ESA Listing of Olympic Peninsula Summer, Winter Steelhead*, COLUMBIA BASIN BULLETIN (Feb. 7, 2025); *Final Rule: Endangered and Threatened Wildlife and Plants; Endangered Status of the Gulf of Mexico Bryde’s Whale*, (84 Fed.Reg. 15446) (Apr. 15, 2019); *90-Day Finding on a Petition to List the Smalltail Shark Under the Endangered Species Act*, National Oceanic Atmospheric Administration, available at [fisheries.noaa.gov/action/90-day-finding-petition-list-smalltail-shark-under-endangered-species-act](https://www.fisheries.noaa.gov/action/90-day-finding-petition-list-smalltail-shark-under-endangered-species-act).

<sup>5</sup> Center for Biological Diversity, Press Release, *More than 140,000 Americans Call on Biden Administration to Restore Endangered Species Act* (Aug. 21, 2023); *Biden administration restores threatened species protections dropped by Trump*, NPR (Mar. 28, 2024).

habitats, even when endangered species living in those habitats are no longer found in those locations.<sup>6</sup>

In another concerning example, NOAA Fisheries delayed renovations to the Santa Felicia Dam in California for years even though the dam, which can generate hydroelectric power, needs upgrades to prevent catastrophe in the event of an earthquake.<sup>7</sup> In 2018, local officials determined the dam, owned and operated locally by United Water Conservation District (UWCD), needed improvements to meet standards for seismic activity.<sup>8</sup> NOAA Fisheries is required to approve the safety improvements for the dam because the project would impact lower Piru Creek, which is a designated critical habitat for southern California steelhead.<sup>9</sup> That habitat is the subject of lawsuits from environmental groups.<sup>10</sup> UWCD incurred tens of millions of dollars in costs due to the combination of NOAA Fisheries' regulations and litigation from environmental groups. NOAA is demanding UWCD spend \$100 million more on a fish passage system.<sup>11</sup> According to UWCD, the steelhead did not occupy the watershed when the habitat was designated as critical, nor is the steelhead currently present in the watershed.<sup>12</sup>

President Trump's National Energy Emergency declaration mandates the ESA Committee convene and identify "obstacles to domestic energy infrastructure specifically when deriving from implementation of the ESA" or other relevant laws.<sup>13</sup> While the Secretary of the Interior will chair these efforts, NOAA Fisheries will consult on the ESA Committee's decisions under the ESA. ESA Committee members will propose regulatory reforms, consider species listings, and improve the interagency consultation process. Importantly, this process is intended to give impacted states and local communities a voice in deciding whether a federal action is in the interest of the public and its national or regional significance.

To help inform the Committee's understanding of NOAA Fisheries role in addressing energy costs, we request a staff-level briefing regarding efforts to comply with President Trump's declaration of a National Energy Emergency as soon as possible.

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<sup>6</sup> U.S. Department of the Interior, Press Release, *Biden-Harris Administration Finalizes Rules to Strengthen Protection and Recovery of Threatened and Endangered Species and Their Habits* (Mar. 28, 2024).

<sup>7</sup> Catalyst Environmental Solutions, *Santa Felicia Dam Safety Improvement Project*, available at <https://www.ce.solutions/projects/water/santa-felicia-dam-safety>.

<sup>8</sup> Kathleen Wilson, *Four Ventura County area dams cited as deficient in grand jury report*, VENTURA COUNTY STAR (Jul. 12, 2018).

<sup>9</sup> Nat'l Oceanic and Atmospheric Admin. Fisheries, *2023 5-Year Review: Summary & Evaluation of Southern California Steelhead*, (May 2023), available at <https://media.fisheries.noaa.gov/2023-05/5-year-status-review-sc-steelhead.pdf>.

<sup>10</sup> *Southern California Steelhead Trout*, Center for Biological Diversity, available at [https://www.biologicaldiversity.org/species/fish/southern\\_california\\_steelhead\\_trout/index.html](https://www.biologicaldiversity.org/species/fish/southern_california_steelhead_trout/index.html); Center for Biological Diversity, Press Release, available at [https://www.biologicaldiversity.org/news/press\\_releases/2016/santa-clara-river-06-02-2016.html](https://www.biologicaldiversity.org/news/press_releases/2016/santa-clara-river-06-02-2016.html).

<sup>11</sup> *Legislative Hearing on H.R. 7544, Hr. 8308 & H.R. 8811: Hearing Before H. Comm. on Nat. Res., Subcomm. on Water, Wildlife and Fisheries*, 118<sup>th</sup> Cong. 2 (Jul. 9, 2024) (statement of Mr. Mauricio Gaurdado, Gen. Manager, United Water Conservation District).

<sup>12</sup> *Id.*

<sup>13</sup> *Supra* n. 1.

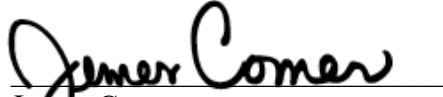
Ms. Emily Menashes

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Page 3 of 3

The Committee on Oversight and Government Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. To schedule the briefing or to ask any related follow-up questions, please contact the Committee on Oversight and Government Reform Majority staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,



James Comer  
Chairman  
Committee on Oversight and  
Government Reform



Eric Burlison  
Chairman  
Subcommittee on Economic Growth,  
Energy Policy, and Regulatory Affairs

cc: The Honorable Gerald Connolly, Ranking Member  
Committee on Oversight and Government Reform

The Honorable Maxwell Frost, Ranking Member  
Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs