

**WRITTEN STATEMENT FROM
NATIONAL MARINE FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

**ON THE
OVERSIGHT HEARING ON PROPOSED CHANGES TO THE NORTH ATLANTIC
RIGHT WHALE VESSEL SPEED RULE**

**BEFORE THE
SUBCOMMITTEE ON WATER, WILDLIFE, AND FISHERIES
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES**

Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, thank you for the opportunity to testify before you today. The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation's living marine resources and their habitat. NOAA Fisheries provides vital services for the nation: sustainable and productive fisheries, safe sources of seafood, the recovery and conservation of protected species, and healthy ecosystems—all backed by sound science and an ecosystem-based approach to management. NOAA Fisheries' work is intrinsically connected to the mission of the Department of Commerce—to create conditions for economic growth and opportunity for all communities. The resilience and economic vitality of our marine ecosystems, and coastal communities depends on healthy marine species, including protected species such as whales, sea turtles, salmon, and corals.

Endangered North Atlantic right whales are approaching extinction with fewer than 350 individuals and fewer than 70 reproductively active females remaining. While climate-related impacts and prey availability have contributed to the population's poor health, vessel strikes and entanglements are driving the population's decline and are the primary cause of serious injuries and mortalities. North Atlantic right whales are especially vulnerable to vessel strikes due to their coastal distribution and frequent occurrence at near-surface depths. This is particularly true for females with calves. In fact, given the current population level, the "potential biological removal" that can be sustained is less than one whale death per year. That is, we cannot afford to cause even one mortal "take" per year of a North Atlantic right whale and achieve our recovery goals.

Since 2008, most vessels 65 ft or longer have been subject to seasonal 10-knot vessel speed restrictions outside every major port between Boston and Jacksonville, and along certain portions of the Atlantic coast. Within this region, nearly every large ocean-going vessel must pass through seasonal speed restricted areas to access major ports. The US Coast Guard has no reports of vessel groundings or other accidents due to the speed restriction. During this period, ocean-going trade on the East Coast has thrived. For example, the Ports of New York/New Jersey were

recently declared the busiest ports in the United States, and cargo throughput at the Port of Savannah has continued to grow year after year.

In January 2021, NOAA Fisheries released and invited public comment on an assessment¹ of the 2008 right whale vessel speed rule, which highlighted the need to address seasonal speed restriction area boundary and timing changes, strike risk from vessels less than 65 ft in length, updates to the safety deviation provision, and poor cooperation with the voluntary Dynamic Management Area program.

In July 2022, NOAA Fisheries announced proposed changes to the existing vessel speed regulations, which were informed by public comments received on the 2021 speed rule assessment, to further reduce the likelihood of North Atlantic right whale deaths and serious injuries resulting from collisions with vessels. The proposed changes would broaden the spatial boundaries and duration of the current seasonal speed restriction areas along the East Coast. They would also expand the applicability of the mandatory speed restrictions to include most vessels 35–65 feet in length.

These proposed changes to the current speed rule would address two key problems affecting right whale recovery: (1) misalignment between areas and periods of high vessel strike risk and the spatial and temporal bounds of the current seasonal speed restriction areas; and (2) lack of mandatory speed restriction on vessels less than 65 feet in length, which have been documented to be a lethal threat to right whales. Additional proposed changes to the speed rule include the creation of a mandatory Dynamic Speed Zone program establishing temporary 10-knot transit zones when right whales are present and predicted to persist in areas when no seasonal speed zone is in effect; and updates to the rule’s safety provisions, allowing vessels to exceed the 10-knot restriction in certain circumstances.

We appreciate your interest in the proposed changes to the vessel speed regulations and NOAA Fisheries’ efforts to prevent the extinction of this critically endangered species while maintaining port operations and ensuring safety. The public comment period for the proposed rule closed on October 31, 2022. NOAA received over 90,000 comments and will use them to inform its final action on the proposed rule, which it anticipates announcing in 2023.

The North Atlantic Right Whale “Road to Recovery” is a strategy that describes all of NOAA Fisheries’ efforts to halt the current population decline and recover this endangered species. It is built on the foundation of the statutory requirements that we are charged with implementing under the Endangered Species Act and the Marine Mammal Protection Act. It shows how our collective actions, in collaboration with partners, fit together to save this iconic species. To prevent the extinction of this species and to enable them to recover, urgent action is needed to address existing and emerging threats to the species.

Conclusion

NOAA is proud to continue to lead the world in conducting ocean science, serving the nation’s coastal communities and industries, ensuring responsible stewardship of our ocean and coastal resources, and fostering economic growth and opportunity. We value the opportunity to continue

¹ https://www.fisheries.noaa.gov/s3/2021-01/FINAL_NARW_Vessel_Speed_Rule_Report_Jun_2020.pdf

working with this Subcommittee on these important issues. Thank you, Members of the Subcommittee and your staff for your work to support NOAA's mission. I am happy to take your questions.