

March 5, 2025

House Committee on Natural Resources
Subcommittee on Water, Wildlife and Fisheries
1324 Longworth House Office Building
Washington, D.C. 20515

Re: Oversight Hearing on “Evaluating the Implementation of the Marine Mammal Protection Act and the Endangered Species Act”

Dear Chair Hageman:

I write on behalf of the National Marine Manufacturers Association (NMMA) to express support for the need to carefully reform the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). NMMA appreciates the Subcommittee’s dedication to evaluating this important issue and considering opportunities to improve the implementation of these critical programs to ensure federal decisions are supported by an objective consideration of both the best available scientific evidence and the full scope of a decision’s potential impacts. NMMA appreciates the recent hearing on these matters featuring witnesses with strong legal expertise and practical knowledge related to implementing these laws in the modern era. I request submission of this letter to the hearing record to share the recreational marine industry’s perspective.

Congress enacted the MMPA and the ESA in the 1970s with the goal of conserving and protecting marine mammals and other endangered species. Since its enactment, there have only been slight adjustments to the laws, but none of the changes have accounted for the dramatic changes over the last half-century with the increased ability to access our treasured marine resources and technological advancements on the vessels used to access these spaces. Given recent activities from the federal entities responsible for managing public resources and several ill-conceived proposed restrictions and rules that could significantly harm public access, small businesses and the American economy, a review of the congressional intent and commonsense reforms to this 50-year-old law is warranted.

NMMA and its members fully support these statutes and the objectives of conservation and species protection. However, too often federal agencies responsible for implementing the MMPA and ESA have failed to give a balanced review of the scientific data, and instead have relied on incomplete information and flawed modeling that intentionally overestimate the risk to a species from a particular activity. This approach is often referred to as “giving the benefit of the doubt to the species.” This is not sound science and does not reflect reasoned decision-making or result in greater protection of marine mammals and identified species. Unfortunately, the ultimate outcome is needless bureaucratic red-tape and regulatory overreach that often ignores significant negative impacts to the economy and everyday Americans.

The North Atlantic right whale vessel strike reduction rule (VSR) is just one example of this regulatory overreach. The National Marine Fisheries Services (NMFS) promulgated the VSR in 2008, establishing a 10-knot speed limit for most vessels equal to or greater than 65 feet in length in certain limited geographic areas along the Atlantic Seaboard. The stated purpose of the rule was to reduce the likelihood of death or injury of right whales due to vessel collisions. At that time, the 2008 rule was intended to be temporary. NMFS, however, made the rule permanent in 2013 and, in 2022, proposed to dramatically expand the vessel speed requirements to (1) smaller vessels between 35 and 65 feet in length; and (2) a vastly expanded area encompassing nearly the entire Atlantic Seaboard for eight months of the year.

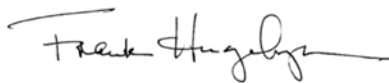


The proposal received broad condemnation from states, local governments, and the marine industries, including NMMA and the recreational boating industry. NMFS's justification for rule was based on flawed data and unrealistic modeling, reflecting a "worst case" analysis of risks to the species from smaller vessels and a skewed projection of efficacy. Further, the Agency had crafted the proposal without any prior engagement of the industries most impacted by the rules, causing it to overlook the significant safety, operational, economic, and privacy consequences of the rule. The result: an overly stringent regulation with little actual benefit to right whales and significant detrimental harm to boaters and coastal economies up and down the East Coast.

Fortunately, the Biden Administration withdrew the ill-advised proposal in January of this year. But it stands as a stark example of the immediate need for MMPA and ESA reform. Changes must be undertaken to ensure that, when implementing the MMPA and ESA, NMFS and other federal agencies are required to (1) involve all stakeholders prior to development of rules, including states, local governments, and impacted industries; (2) undertake and objective and neutral view of the best science and data available; and (3) consider all direct and indirect socioeconomic impacts of an action.

NMMA appreciates the Subcommittee for its ongoing commitment to address this critical issue that impacts all Americans and their communities. We welcome the opportunity to work together to ensure that the intent of the statutes are clarified and implemented in a manner that both protects sensitive species and supports public access and economic activity.

Sincerely,



Frank Hugelmeyer
President and Chief Executive Officer

