



September 26, 2023

Assistant Administrator Janet Coit
NOAA Fisheries Office of Protected Resources
1315 East-West Highway
Silver Spring, MD 20910
NOAA.PRA@noaa.gov

Re: Information Collection For Implementation of Vessel Speed Restrictions To Reduce the Threat of Ship Collisions With North Atlantic Right Whales

Dear Assistant Administrator Coit,

On behalf of the Center for Biological Diversity and its 1.7 million members and supporters, we write to offer our strong support for requesting renewal of a currently approved Information Collection regarding the critically endangered Atlantic Right Whale. The Atlantic Right Whale is one of the rarest cetaceans and mammals in the world. It continues to decline at an alarming rate due entirely to regulated activities that are not being fully addressed by the federal government. The extremely modest Information Collection sought here by the National Marine Fisheries Service is vital to the conservation and recovery of this species. No other concerns are relevant as the clear mandates of the Endangered Species Act trump the insignificant, vague and stupid Paperwork Reduction Act. Any attempt by the Office of Information and Regulatory Affairs to interfere with the conservation of the Atlantic Right Whale will be met with litigation.

50 CFR 224.105(c) contains modest, reasonable and legally justified requirements for vessels to document in a logbook any deviation from the required speed limits purportedly “necessary” for safe maneuverability under certain conditions. The National Marine Fisheries Agency requested a completely non-burdensome voluntary survey of vessel operators to evaluate operators’ ability and willingness to comply with Atlantic Right Whale speed restrictions. These surveys collect critical information about vessel operators’ time spent on the water, knowledge of vessel strike reduction efforts, and operators preferred means of receiving information.

The Center strongly supports the continuation of this Information Collection as the data that are gathered are integral in fulfilling the objectives of the conservation of the Atlantic Right Whale. This Information Collection is not intrusive and imposes no burden on the public. As both Congress and the Supreme Court observed, the Endangered Species Act requires that each and every agency of the federal government work to protect and conserve endangered species at “whatever the cost.”¹ Thank you for your consideration,

Brett Hartl
Government Affairs Director
Center for Biological Diversity

¹ *Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978)