



Erik G. Milito  
President

**NATIONAL  
OCEAN  
INDUSTRIES  
ASSOCIATION**

August 9, 2023

Mr. David Bernhart  
Assistant Regional Administrator  
Protected Resources Division  
Southeast Regional Office  
National Marine Fisheries Service  
263 13th Avenue South  
St. Petersburg, FL 33701

*Submitted electronically to david.bernhart@noaa.gov and via  
<https://www.regulations.gov/commenton/NOAA-NMFS-2023-0028-0001>*

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**RE:** Request for Extension of Comment Deadline, Proposed Rule, Designation of Critical Habitat for the Rice's Whale.

Dear Mr. Bernhart:

The National Ocean Industries Association (NOIA) respectfully requests that the National Marine Fisheries Service (NMFS) extend by 60 days the comment period for the proposed rule concerning Designation of Critical Habitat for the Rice's Whale ([NOAA-NMFS-2023-0028-0001](https://www.regulations.gov/commenton/NOAA-NMFS-2023-0028-0001)). The current deadline of the comment period, September 22, 2023, does not provide sufficient time to analyze the proposed rulemaking and to adequately respond.

NOIA represents the interests of all segments of the offshore energy industry, including offshore oil and gas, offshore wind, offshore minerals, offshore carbon sequestration, and other emerging technologies. NOIA member companies are operational throughout the U.S. Gulf of Mexico and its coastal communities, and as such are heavily impacted by changes to federal regulations and policies concerning the protection of marine mammals and related mitigation measures.

This proposed designation of critical habitat is projected to have substantial impacts on a multitude of ocean industries and users, including NOIA members involved in the development of oil and gas, wind, offshore carbon sequestration, and emerging industries like hydrogen. NOIA and its members need more time to evaluate the science, the economic impacts, and the national security impacts that are certain to result from this rulemaking.

Given the broad scope of the proposed designated area, which would have potential impacts on leasing and operations in an area of more than ten million acres, NOIA members throughout the offshore energy supply chain will need substantial time to review the proposal to determine the effects to existing and planned operations and facilities in the Gulf. In this vein, a 60-day extension of the comment period is necessary to allow industry to fully analyze the impacts that the proposed designation would have on the operations of offshore energy stakeholders, which are intrinsically vital to the nation's national security, energy supply, and economic prosperity.



The need for an extended comment period is further heightened by the fact that, as acknowledged by NMFS in the proposed designation itself, there is relatively limited scientific information available on Rice's Whale regarding the exact nature of its presence and history in the proposed areas, along with considerations related to the potential confluence of habitat with taxonomically similar species of whales, like Bryde's Whale.

Therefore, we cordially request an extension of the comment deadline by 60 days through November 21, 2023. This extension would enable all stakeholders to engage meaningfully, ensuring that we can provide well-informed and thoughtful feedback to enhance the effectiveness of the proposed rulemaking. Thank you for considering this request, NOIA and its member companies are always available to answer any questions.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Erik Milito".

Erik Milito  
President  
National Ocean Industries Association