

### Sheppard Mullin Files Emergency Rulemaking Petition on Behalf of Oceana to Protect North Atlantic Right Whales from Vessel Strikes

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North Atlantic right whales (“NARWs”) are on the brink of extinction. With approximately 340 NARWs remaining, the species cannot tolerate a single human-caused death per year to have any chance at survival and recovery. In every year but one since 2010, at least one NARW has been killed or seriously injured by human activity. NOAA Fisheries has confirmed that vessel strikes alone have caused 11 NARW deaths since 2017. While certain vessel speed restrictions have been in place in the United States since 2008, the restrictions simply have not done enough to protect NARWs from vessel strikes.

On December 6, Sheppard Mullin, on behalf of pro bono client Oceana – the largest international ocean conservation organization solely focused on protecting the world’s oceans – filed a petition for emergency rulemaking with the Secretary of Commerce and the Assistant Administrator of NOAA Fisheries. The proposed emergency rule seeks to protect NARWs from vessel strikes during the upcoming calving season and thereafter. The NARW calving season runs from mid-November through mid-April, a period in which the protection of pregnant females, lactating mothers, and calves is imperative.

The petition seeks immediate implementation of an emergency rule, including seasonal speed zones to protect calving grounds; mandatory dynamic speed zones triggered by mother and calf pair sightings; and the application of speed restrictions to vessels 35-feet or greater in length.

Immediate and substantial action by NOAA Fisheries will give NARWs a fighting chance to successfully breed and survive the upcoming calving season. Sheppard Mullin is honored to continue its support Oceana’s efforts to protect these majestic and ecologically invaluable right whales and hopes NOAA Fisheries will implement the proposed emergency rule with immediate effect.

The Sheppard Mullin team representing Oceana includes Paul Werner, Amanda Cottrell, Charles Spencer-Davis, Imad Matini and Hannah Wigger.

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## Practice Areas

Environmental Litigation

Litigation