

Congress of the United States
Washington, DC 20515

March 07, 2019

Dr. Neil Jacobs
Assistant Secretary of Commerce for Environmental Observation and Prediction
Acting NOAA Administrator
1401 Constitution Ave. NW
Room 5128
Washington, DC 20230

RE: Gulf of Mexico Whale ESA Listing

Dear Dr. Jacobs,

We write to strongly urge you to list the Gulf of Mexico whale as endangered under the Endangered Species Act (ESA). With a population of less than 50, this unique whale is one of the most endangered marine mammals on the planet and perilously close to extinction.¹ Its small habitat is limited almost entirely to waters off the coast of Florida, in an area known as the De Soto Canyon.²

Since being targeted by commercial whalers in the 1900s, the Gulf of Mexico whale has faced numerous threats to its survival, such as vessel strikes, anthropogenic noise, pollution, and, most notably, oil and gas exploration and production activity, including acoustic disturbances from seismic airguns and oil spills.³ In fact, the government's Natural Resource Damage Assessment estimated that 17 percent of the population died outright in the *Deepwater Horizon* spill.⁴ The impact of anthropogenic activity greatly intensifies challenges the whales face from natural factors - slow maturation, low levels of genetic diversity, and restricted range.

On December 8, 2016, the National Marine Fisheries Service published a 12-month finding under the Endangered Species Act, concluding that the Gulf of Mexico whale is a unique subspecies, is at a high risk of extinction, and should be listed as endangered.⁵ NMFS identified 27 threats to the whale's survival.⁶ Since then, however, the agency has taken no action to list the species or make any finding that would excuse this delay, despite legal requirements to do so.⁷

¹ *Northern GOM Bryde's Whale*, MARINE MAMMAL COMMISSION, <https://www.mmc.gov/priority-topics/species-of-concern/northern-gulf-of-mexico-brydes-whale/> (last visited Sept. 5, 2018).

² *Id.*; *Gulf of Mexico Bryde's Whales*, NOAA FISHERIES, http://sero.nmfs.noaa.gov/protected_resources/brydes_whale/index.html. (last visited Sept. 5, 2018); NOAA, *The Expert Is In! Gulf of Mexico Bryde's Whales*, (Feb. 13, 2017), <https://www.fisheries.noaa.gov/feature-story/expert-gulf-mexico-brydes-whales>.

³ *Northern GOM Bryde's Whale*, *supra* note 1; *Gulf of Mexico Bryde's Whales*, *supra* note 2.

⁴ 81 Fed. Reg. 29232 (June 22, 2018).

⁵ 81 Fed. Reg. 88639 (Dec. 8, 2016).

⁶ 81 Fed. Reg. 88643-44 (Dec. 8, 2016).

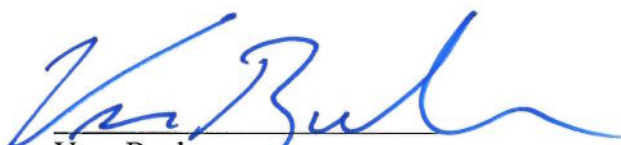
⁷ 16 USC § 1533(b)(6)(A)(i).

Knowing this information, the agencies failure to act is intolerable morally and almost certainly a violation of the Endangered Species Act.


As a result of extensive anthropogenic threats and low genetic diversity, the Gulf of Mexico whale has a disturbingly high risk of extinction. Listing this critically endangered species under the ESA is not only required by law, but would help protect the remaining population and aid in its recovery. We therefore write to urge you to take immediate action to list this iconic and treasured species.

Sincerely,


Kathy Castor
MEMBER OF CONGRESS


Vern Buchanan
MEMBER OF CONGRESS



Debbie Wasserman Schultz
MEMBER OF CONGRESS


Frederica S. Wilson
MEMBER OF CONGRESS

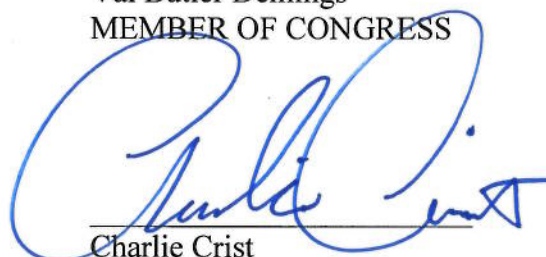

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