

October 24th, 2023

Representative Bentz
409 Cannon House Office Building
Washington, DC 20515

Representative Huffman
2445 Rayburn House Office Building
Washington, DC 20515

Honorable Chair Bentz and Ranking Member Huffman,

On behalf of our millions of members and supporters, we are writing in strong opposition to Rep. Graves' harmful Gulf of Mexico Rice's whale bill H.R. 6008. This bill prohibits and delays necessary protections for the critically endangered whale in favor of the oil and gas industry, which, coincidentally, is largely responsible for the species' decline. It does so by undermining our bedrock environmental laws, ignoring the science, and giving industry special influence over agency decision-making. With only about 50 whales remaining, we cannot let oil and gas interests, armed with misinformation, obstruct conservation of one of America's most endangered whales.

The magnificent Gulf of Mexico whale (also known as Rice's whale) is the only great whale species resident year-round in U.S. waters. These whales are also acutely vulnerable to vessel strike, as they spend the majority of their time near the ocean surface – about 90% of the time at night, when they come to the surface to rest, and 70% of their time overall. Their natural behavior places them within the draft of large commercial vessels. In a 2020 Biological Opinion, NOAA found that mortalities from vessel strikes are likely to exceed—by more than ten times—what the species can sustain.

The oil and gas industry is a major contributor to vessel strike risk, contrary to recent statements by the American Petroleum Institute and other trade associations. NMFS found that the oil and gas industry represents about one-third of the total risk from vessels transiting through the whale's habitat. An update by a former Duke University researcher using the latest data on Rice's whale distribution shows that industry vessels are responsible for an even larger share: about 40% of the total risk. Furthermore, NMFS estimates that the catastrophic BP Deepwater Horizon oil spill resulted in the loss of 22% of the species' population. And the industry's high-energy seismic blasting is so pervasive that NMFS biologists concluded, in the agency's most recent Status Review, that it is likely to “seriously degrade” the population by compromising the whales' ability to feed and reproduce.

Despite knowing the serious threat the oil and gas industry poses to the whale's survival, this bill aims to undermine measures to protect the whale. Specifically, the bill:

- *Interferes with our foundational environmental laws.* The bill would legislate that compliance with the 2020 Biological Opinion is sufficient to comply with the Endangered Species Act, the Marine Mammal Protection Act, and all other federal environmental laws until NMFS publishes a new biological opinion.
- *Prohibits BOEM from taking measures to protect the whale even as it opens huge expanses of the Gulf to new oil and gas leasing.* The bill would prohibit BOEM from acting on the best available and latest science and from implementing any additional protections for Rice's whales until a new biological opinion is complete.
- *Forces delay in protecting one of our most endangered species.* The bill would delay the development and release of a new Biological Opinion by forcing NMFS to pause its existing work and to await the release of unnecessary reports.
- *Intervenes in ongoing litigation.* The bill would undermine a settlement agreement that requires BOEM to reevaluate protections for Rice's whale, in light of new information about oil spill risk and a new, five-year NOAA study of Rice's whale habitat.
- *Provides the oil and gas industry with unprecedented special influence over the agency's decision-making.* The bill would require NMFS to have special private meetings with industry about any proposed measures in a new Biological Opinion that may be required to protect Rice's whales. This will inevitably allow industry to influence what is reasonable or prudent in their favor.

The 50 remaining Gulf of Mexico Rice's whales cannot afford to pay the price of this gift to the oil industry extending business-as-usual in the Gulf of Mexico. If this whale goes extinct, there will be no other country to blame. As a group of one hundred concerned marine scientists stated in an open letter last year, "[u]nless significant conservation actions are taken, the United States is likely to cause the first anthropogenic extinction of a great whale species." We cannot let ourselves be the first generation of Americans to let a great whale go extinct, and all because of greed from oil and gas companies.

It's not too late to turn the ship around. Join us in opposing this harmful bill and standing up for our amazing Gulf of Mexico Rice's whale.

Sincerely,

Animal Legal Defense Fund
Animal Welfare Institute
Buffalo Field Campaign
Center for Biological Diversity

Clearwater Marine Aquarium Research Institute
Coastal Plains Institute
Defenders of Wildlife
Earthjustice
Endangered Species Coalition
Environmental Investigation Agency
Environmental Protection Information Center
FOUR PAWS USA
Friends of Blackwater, Inc.
Healthy Gulf
International Marine Mammal Project of Earth Island Institute
Kettle Range Conservation Group
League of Conservation Voters
Los Angeles Audubon Society
Natural Resources Defense Council
NY4WHALES
NYC Plover Project
Ocean Alliance
Oceana
Oceanic Preservation Society
Predator Defense
Resource Renewal Institute
Sanctuary Education Advisory Specialists
Sierra Club
Southern Environmental Law Center
The #RelistWolves Campaign
The Urban Wildlands Group
Voices of Wildlife in NH
Western Watersheds Project
Wild Fish Conservancy
World Wildlife Fund
Wyoming Untrapped