



March 28, 2023

Ms. Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

Dear Assistant Administrator Coit,

We write to express our shared concern about the ongoing Unusual Mortality Events (UMEs) for humpback whales and North Atlantic right whales (NARWs) in the U.S. Atlantic and to request information about whether the National Oceanic and Atmospheric Administration (NOAA) requires additional resources to adequately respond to these UMEs.

These UMEs date back to 2016 and 2017 for humpback whales and NARWs, respectively.¹ However, in recent months, there has been a concerning number of whale deaths along the Atlantic coast. From North Carolina to Nova Scotia, Canada, more than 20 whales have died since December 2022.² If the death trajectory continues, particularly amongst juvenile individuals, species will begin to disappear. There are fewer than 340 NARWs remaining, including fewer than 70 breeding females, and without action, the NARW will likely go extinct.³ Moreover, others—like gray whales on the Pacific coast—are also experiencing UMEs.⁴ If we do not act, other whale species may face the same fate.

We understand that, specifically for humpback whales and NARWs, NOAA's preliminary findings for many of these deaths have shown evidence of a vessel strike as the cause of death. Since 2008, NOAA has implemented vessel speed regulations to reduce the number of whale deaths caused by vessel strikes, and the Fall 2022 Unified Agenda indicates that NOAA's proposed rule updating these safeguards is scheduled to be finalized in June 2023. NOAA will also be receiving substantial funding from the Consolidated Appropriations Act, 2023 (Public Law No. 117-328) to support whale research and monitoring efforts and reduce fishing gear entanglement risk. In addition, NOAA will be receiving increased funding for the John H. Prescott Marine Mammal Rescue and Response grant program to improve the

¹ NOAA Fisheries. "2017-2023 North Atlantic Right Whale Unusual Mortality Event," <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2023-north-atlantic-right-whale-unusual-mortality-event> (accessed March 9, 2023); NOAA Fisheries. "2016-2023 Humpback Whale Unusual Mortality Event Along the Atlantic Coast," <https://www.fisheries.noaa.gov/national/marine-life-distress/2016-2023-humpback-whale-unusual-mortality-event-along-atlantic-coast> (accessed March 9, 2023).

² National Oceanic and Atmospheric Administration, "Whale Information (23-T035)," document, shared directly with staff, February 15, 2023.

³ NOAA Fisheries. "North Atlantic Right Whale," <https://www.fisheries.noaa.gov/species/north-atlantic-right-whale> (accessed February 14, 2023).

⁴ NOAA Fisheries. "2019-2023 Gray Whale Unusual Mortality Event along the West Coast and Alaska," <https://www.fisheries.noaa.gov/national/marine-life-distress/2019-2023-gray-whale-unusual-mortality-event-along-west-coast-and> (accessed March 22, 2023).

rehabilitation and data collection efforts for stranded marine mammals as part of the passing of the Marine Mammal Research and Response Act (Title CIV of Public Law No. 117-263).


We appreciate NOAA's ongoing commitment to marine mammal conservation and your efforts to keep our offices and the public informed about these ongoing strandings. We encourage additional outreach and transparency in light of the public reporting on and speculation around the potential causes of these deaths.

Accordingly, we respectfully request a written response to the following questions by April 18, 2023:

1. Please describe how NOAA intends to use funds received from the Consolidated Appropriations Act, 2023 to address whale injuries and deaths from gear entanglement and vessel collisions, particularly as related to the ongoing UMEs for humpback whales, NARWs, and gray whales. Please elaborate on these specific initiatives.
2. We believe accessibility, transparency, and timeliness is of the utmost importance for NOAA's whale injury and death reporting. Please describe in detail—
 - a. the timeline and process for NOAA sharing information with the public when a whale is found dead and when necropsy results are complete;
 - b. whether NOAA has plans to strengthen its data-sharing practices with non-profit and government partners and the public;
 - c. NOAA's progress on the design and implementation of the Marine Mammal Health Monitoring and Analysis Platform; and
 - d. any challenges or barriers NOAA faces with efficiently determining a whale's cause of death, as well as recommendations for congressional or administrative action needed to reduce these barriers.
3. Please elaborate generally on what additional resources NOAA may need to strengthen its efforts to protect and conserve marine mammals and prevent their deaths, including through ongoing and future investigations of the UMEs in the U.S. Atlantic and Pacific. For example, please specify whether yearly appropriated funds for the UME Contingency Fund would assist NOAA in more thoroughly and efficiently conducting such investigations.

Thank you for your attention to this important matter. We applaud NOAA and especially its network of non-profit, academic, and volunteer responders for their hard work to document and research whale strandings. We look forward to working with you to ensure the health and well-being of our oceans' marine mammals.

Sincerely,



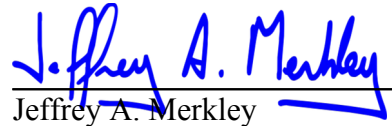
Richard Blumenthal
United States Senator



Cory A. Booker
United States Senator



Robert Menendez
United States Senator



Jeffrey A. Merkley
United States Senator



Sheldon Whitehouse
United States Senator