

United States Senate

WASHINGTON, DC 20510

May 7, 2024

The Honorable Jeanne Shaheen
Chairwoman
Senate Appropriations Subcommittee on
Commerce, Justice, Science, and Related
Agencies
Washington, DC 20510

The Honorable Jerry Moran
Ranking Member
Senate Appropriations Subcommittee on
Commerce, Justice, Science, and Related
Agencies
Washington, DC 20510

Dear Chair Shaheen and Ranking Member Moran,

We appreciate your ongoing support for North Atlantic right whale conservation and management in recent appropriations cycles. As you begin the process of crafting the Fiscal Year 2025 (FY25) Commerce, Justice, Science, and Related Agencies appropriations bill, we urge you to support funding at \$5 million above FY24 enacted levels for key North Atlantic right whale research, monitoring, conservation and recovery. The undersigned members also firmly recommend that the Conservation and Mitigation Assistance Grant Program, authorized in the Consolidated Appropriations Act of 2023, be fully funded moving forward. We encourage a particular focus on funding to make innovative fishing gear technologies to reduce entanglement risk commercially achievable and to continue work to minimize risk from vessel collisions.

The North Atlantic right whale faces ongoing threats from human activities. Critical habitat for right whales frequently overlaps with commercial fishing grounds and areas of high vessel traffic, leaving the whales vulnerable to vessel collisions and fishing gear entanglements, the two leading causes of injury and death to the species. We have already seen four confirmed right whale deaths – three by vessel strike and one by entanglement – just in the first four months of 2024, with another four calves presumed dead since they will not be able to survive without their mothers. Whales that survive these hazards are often subject to chronic stress and reproductive failure, as evidenced by declining birth rates in recent years. Females normally give birth every three to five years; in the past decade, however, calving intervals have stretched to approximately eight to 10 years. Since the start of the 2023-2024 calving season, researchers have identified 19 calves, making this the fifth year in a row with confirmed calves. However, due to human-caused threats, the species' mortality rate still exceeds the birth rate by a ratio of three to two, and recent population estimates suggest that there are now fewer than 360 North Atlantic right whales remaining. While this number represents a slight slowdown in the decline of the species, the best scientific information available indicates that the species continues to be at real risk of extinction in the foreseeable future.. This illustrates the ongoing urgency of providing adequate conservation and management funding for this species.

We applaud the funding allocated to the National Oceanic and Atmospheric Administration (NOAA) in the Consolidated Appropriations Act of 2023 to address gear entanglement and vessel collision risks, in particular the above-mentioned grant program to fund collaborative projects designed to reduce the lethal and sub-lethal effects of human activities on North Atlantic right whales. And we appreciate that in FY24 the Committee prioritized continued funding for innovative gear and broad right whale conservation activities. We also appreciate the Committee's efforts in preventing major impacts to NOAA programs from funding constraints.

Lastly, we support \$14 million to facilitate compliance with existing conservation requirements and the ongoing transition of the Atlantic lobster and Jonah crab fisheries. It is imperative that Congress continue to provide significant funding to protect this critically endangered species, helping generate innovative and long-term solutions for saving this iconic species while preserving the essential economic activity of commercial fishing and shipping.

We request the following direction from the Subcommittee within *Marine Mammals, Sea Turtles, and Other Species* below, building off the critically important funding allocated to North Atlantic right whale conservation in FY24:

- \$14,000,000 for the continued development and implementation of new rules from NOAA aimed at reducing the mortality rate of North Atlantic right whales by vessel strikes, fishing gear entanglements, and other threats to their survival. This funding should also be used for regulatory and management support to both reduce vessel-strike risk in high-traffic areas and to facilitate a transition to commercial fishing gear known to reduce gear entanglement risk with a strong focus on fishermen education and outreach.
- \$8,000,000 to expand surveys, near real-time monitoring, and dynamic management efforts to protect North Atlantic right whales, including but not limited to dedicated aerial and ship-board surveys, uncrewed systems, fixed and mobile autonomous acoustic detectors, and development of satellite telemetry and imaging capabilities, to inform sector-specific mitigation protocols to prevent harmful interactions with vessels and fishing gear. This includes funding that Congress authorized through the FY23 National Defense Authorization Act—a new program designed to leverage technologies to detect North Atlantic right whales and other imperiled species in real-time, and to use those detections to inform sector-specific mitigation protocols that can save the species from harmful interactions, such as a vessel collision.
- \$7,000,000 to expand the pilot program to refine and field test innovative fishing gear technologies designed to reduce North Atlantic right whale entanglements. As determined by the agency's needs, some funding within this amount should be directed towards the development of geolocation technologies and mapping. Lastly, research on how to lower the cost of new gear technologies and increase uptake in the industry should also be included.
- \$5,000,000 for compliance, surveillance, and enforcement of current and forthcoming vessel speed restrictions, including but not limited to development and acquisition of shore-based, aerial, and on-the-water enforcement capabilities and coordinated enforcement, investigation, and civil penalty administration efforts between the National Marine Fisheries Service and the United States Coast Guard.
- \$2,700,000 for disentanglement, stranding response, and necropsy activities. Some funding within this amount should be directed toward support for North Atlantic right whale necropsy readiness and the NARW necropsy database.

We also request an additional \$300,000 within *Fisheries Data Collections, Surveys, and*

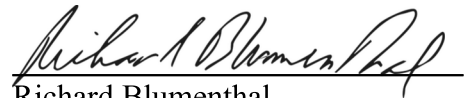
Assessment to continue conducting the continuous plankton recorder survey that will enhance our understanding of the distribution and movement of *Calanus* species, the primary prey of the North Atlantic right whale.

This funding is critical to protect the North Atlantic right whale from extinction and put the species on a path to recovery. Thank you for your consideration of our request, and we look forward to working with the Subcommittee to ensure adequate funding for these activities.

Sincerely,



Cory A. Booker
United States Senator



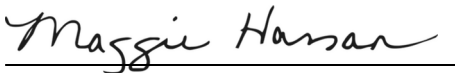
Richard Blumenthal
United States Senator



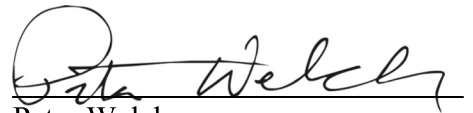
Alex Padilla
United States Senator



Sheldon Whitehouse
United States Senator



Margaret Wood Hassan
United States Senator



Peter Welch
United States Senator



Thomas R. Carper
United States Senator



Jack Reed
United States Senator



Christopher A. Coons
United States Senator



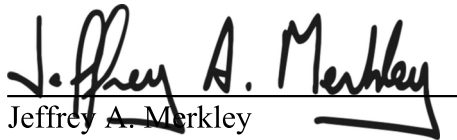
Kirsten Gillibrand
United States Senator



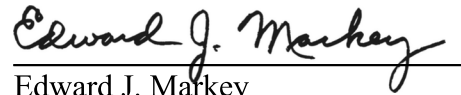
Elizabeth Warren
United States Senator



Chris Van Hollen
United States Senator



Jeffrey A. Merkley
United States Senator



Edward J. Markey
United States Senator