

## Background and Additional Data Sources on Rice’s Whale Status & the Speed Limit Petition in the Gulf of Mexico

Here we share a brief background on Rice’s whale status and the notice of a petition for a vessel speed limit and other vessel related mitigation measures in the Gulf of Mexico with hyperlinks to key documents to provide Council members and the public with additional information in advance of the meeting.

- In 2019, NOAA Fisheries listed Gulf of Mexico Bryde’s whales as endangered under the Endangered Species Act (ESA) ([84 FR 15446](#)). Critical habitat was not determinable at the time of listing.
- In 2019, using visual sightings and tag data, we published and identified the “[Core Distribution Area](#) (CDA)” for the species in the northeastern Gulf of Mexico.
- In 2020, a [complaint](#) was filed seeking an order to compel NOAA Fisheries to designate critical habitat for the whale, which is subject to statutory timelines under the ESA. The U.S. District Court for the District of Columbia approved a modified settlement agreement on October 26, 2022 under which NMFS is required to complete determinations regarding Rice’s whale critical habitat.
- In 2021, we revised the listing of Rice’s whales under the ESA to reflect the change in the [scientifically accepted](#) taxonomy and nomenclature of the species ([86 FR 47022](#)).
- In 2022 and 2023, new science on [characterization of call types](#), [identification of calls in the northwestern Gulf of Mexico](#), [prey selection](#), and habitat modeling published with funding from the NOAA RESTORE Science Program.
- In 2021, NOAA Fisheries received a [petition](#) pursuant to the Administrative Procedure Act to utilize our authorities under the ESA and Marine Mammal Protection Act to establish a year-round 10-knot vessel speed limit and other vessel-related mitigation measures in an area referred to by the petitioners as Rice’s whale “core” habitat in the Gulf of Mexico, which the petitioners defined as the waters between 100 meters and 400 meters deep from approximately Pensacola, FL, to just south of Tampa, FL (*i.e.*, from 87.5° W to 27.5° N) plus an additional 10 kilometers around that area.
- On April 7, 2023, NOAA Fisheries published a [notice of receipt](#) of the 2021 petition and requested public comment on the petitioned action. We are currently soliciting comments and information from the public, governmental agencies, tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the petitioned action by July 6, 2023. All comments and additional information will be considered when determining whether to accept the petition and proceed with rulemaking.
- On May 9, 2023 NOAA Fisheries distributed a [Fisheries Bulletin](#) on the petition and frequently asked questions.
- We are currently working to assess critical habitat for the Rice’s whale and to submit our determination to the *Federal Register* by July 15, 2023, including any proposed rule.