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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

July 20, 2017

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Ross,

On behalf of my constituents in the state of Florida, I write to you to strongly oppose the proposed issuance of five Incidental Harassment Authorization (IHA) permits for companies planning to conduct seismic geological and geophysical surveys along the Atlantic coast. Issuance of these permits would authorize five companies to disturb, harm, or kill marine mammals, including the critically endangered North Atlantic right whale, which uses the waters off northeast Florida for breeding and calving grounds. Seismic airgun harassment has been shown to directly and negatively affect marine mammal species during the most vulnerable stages of their life history: during feeding, breeding, calving, and migration.

The most recent science indicates that North Atlantic right whales are already at the brink of extinction and seismic surveys could be the stressor to push the population beyond the tipping point.¹ In the last month alone, seven of these critically endangered whales have been found dead off the coast of Canada, suggesting that the situation may be even more dire than scientists realized.²

Moreover, recent studies indicate that the National Marine Fisheries Service has drastically underestimated the expected auditory and behavioral impact of airgun sounds to whales.³ There also is new scientific evidence that whale species that frequent the Atlantic coast are more sensitive to such human-caused noise sources at the critical time when calves are nursing, growing, and gaining strength.⁴

¹ See, for example, Pettis H.M. and Hamilton, P.K. 2016. North Atlantic Right Whale Consortium Annual Report Card. See also, National Marine Fisheries Service Northeast Fisheries Science Center. 2017. North Atlantic Right Whale: Western Atlantic Stock Assessment.

² Kassam, Ashifa. 2017. Seven Right Whales Found Dead in 'Devastating' Blow to Endangered Animal, available at <https://www.theguardian.com/environment/2017/jul/08/right-whales-dead-canada-endangered-species>.

³ Blackwell, et al. 2015. Effects of Airgun Sounds on Bowhead Whale Calling Rates: Evidence for Two Behavioral Thresholds.

⁴ Videsen, et al. 2016. High Suckling Rates and Acoustic Crypsis of Humpback Whale Neonates Maximise Potential for Mother-Calf Energy Transfer.

Based on what has been scientifically proven in terms of direct negative effects of the proposed activities on cetacean species known to be present in the proposed survey areas, there is no way a reasonable person can conclude these activities “will have a negligible impact on such species”, as is required in order to issue an IHA permit under the Marine Mammal Protection Act.⁵

Aside from the direct effects on whale species, there are also significant adverse secondary and cumulative impacts resulting from seismic testing. Recent studies indicate that the activities proposed to be conducted under these IHA permits could significantly and negatively affect zooplankton populations⁶—which serve as an important food source at the bottom of the food web. This finding suggests that all levels of the food web from filter-feeding shellfish to all species of baleen whales could suffer. Given this fact, it comes as no surprise that the South Atlantic Fishery Management Council, the Southern Shrimp Alliance, the Southeastern Fisheries Association, the International Game Fish Association, and others have all weighed in against allowing seismic surveys in the Atlantic.

Florida has little to gain and much to lose if seismic surveys are allowed off the state’s coast. Tourists travel from around the world to visit Florida’s scenic beaches and the bountiful fishing that have made it the fishing capital of the world. That’s why more than 30 cities and counties in Florida have passed resolutions opposing offshore seismic testing and drilling.

Citing both environmental and economic concerns, in 2015, countless Floridians recommended that the Department of the Interior delay or reject seismic permitting. Broad public opposition to seismic and scientific evidence regarding its potential harm has only grown since then. In fact, in the four years since the National Marine Fisheries Service completed consultation⁷ and in the three years since the Bureau of Ocean Energy Management completed its Programmatic Environmental Impact Statement, the available science has confirmed significant threats to marine mammals and endangered species on the Atlantic coast that would result from the proposed seismic activity, and these have not been considered by NOAA’s administrative process to date—a process that is lacking in meaningful public engagement and opportunity for comment.

⁵ 16 U.S.C. § 1371(a)(5) (2010).

⁶ McCauley, et al. 2017. Widely Used Marine Seismic Survey Air Gun Operations Negatively Impact Zooplankton.

⁷ Pursuant to section 7 of the Endangered Species Act of 1973, 16 U.S.C. § 1536 (2010).

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Given the significant environmental and economic risks, I strongly oppose the issuance of IHA permits for companies seeking to conduct seismic testing in the Atlantic.

Sincerely,

A handwritten signature in blue ink that reads "Bill Nelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

BILL NELSON
Ranking Member

cc: The Honorable John Thune, Chairman
Jolie Harrison, Chief, Permits and Conservation Division
Donna Wieting, Director
Office of Protected Resources, National Marine Fisheries Service
Re: 82 FR 26244, 82 FR 31048
1315 East-West Highway, Silver Spring, MD 20910