

Critical Habitat Designation for Rice's Whale



Rice's Whale is Critically Endangered

Rice's whale is the only great whale species living full-time in the Gulf of Mexico. The species was first recognized as unique in 2021 due to its long evolutionary isolation in the Gulf. With fewer than 100 — and likely closer to 50 — individual whales remaining, Rice's whale is truly one of the most endangered whales in the world. The Gulf of Mexico is one of the most industrialized seas on the planet. Rice's whales are vulnerable to threats including vessel strikes; oil spills and other oil and gas activity; harmful levels of underwater noise from seismic blasting and vessel traffic; and plastic and other pollutants. NOAA Fisheries estimates that the catastrophic Deepwater Horizon oil spill was directly responsible for the loss of more than 20% of the entire Rice's whale population. Since Rice's whale is the only great whale species that resides primarily in U.S. waters year-round, it is essentially "America's whale."

NOAA Fisheries' Proposed Critical Habitat Designation Rule

- Proposed July 24, 2023
- Original 60-day comment period extended until Oct. 6, 2023
- Undergoing final review at Office of Management and Budget
- Final rule expected by early December 2024

What You Need to Know

What is "critical habitat?"

Critical habitat is defined by statute as the habitat a species occupies at the time of listing, where physical or biological features can be found that are essential for the species' conservation, and which may require special management considerations or protections. For Rice's whale, those features include areas where prey concentrates; with water quality attributes needed for species survival, like temperature and lack of pollution; and those that are quiet enough for Rice's whales to communicate and carry out other essential life functions.

Designation can also apply to areas a species does not currently occupy, but that could serve as critical habitat should the species spread there.

NOAA Fisheries is required to designate critical habitat to the maximum extent prudent and determinable.



NOAA Photo taken under NOAA research permit #779-1633

Courtesy NOAA

What does "critical habitat" designation mean for Rice's whale?

A critical habitat designation guarantees that the habitat in question will not be destroyed or damaged by any actions authorized, funded, or carried out by NOAA Fisheries. At the same time, designation shows the general public, including those living and working around critical habitat, where conservation activity is needed to protect that habitat.

What does designation NOT do?

Designation does not turn habitat into a closed area, marine protected area, refuge, wilderness reserve, preservation, or any other kind of conservation area. In cases of ocean-based habitat, designation does not require new restrictions on vessel speeds or elimination of industrial activities.

How is “critical habitat” designated?

Critical habitat is selected in areas as large as needed for the species’ survival and recovery. Designation must be based on the best available scientific data.

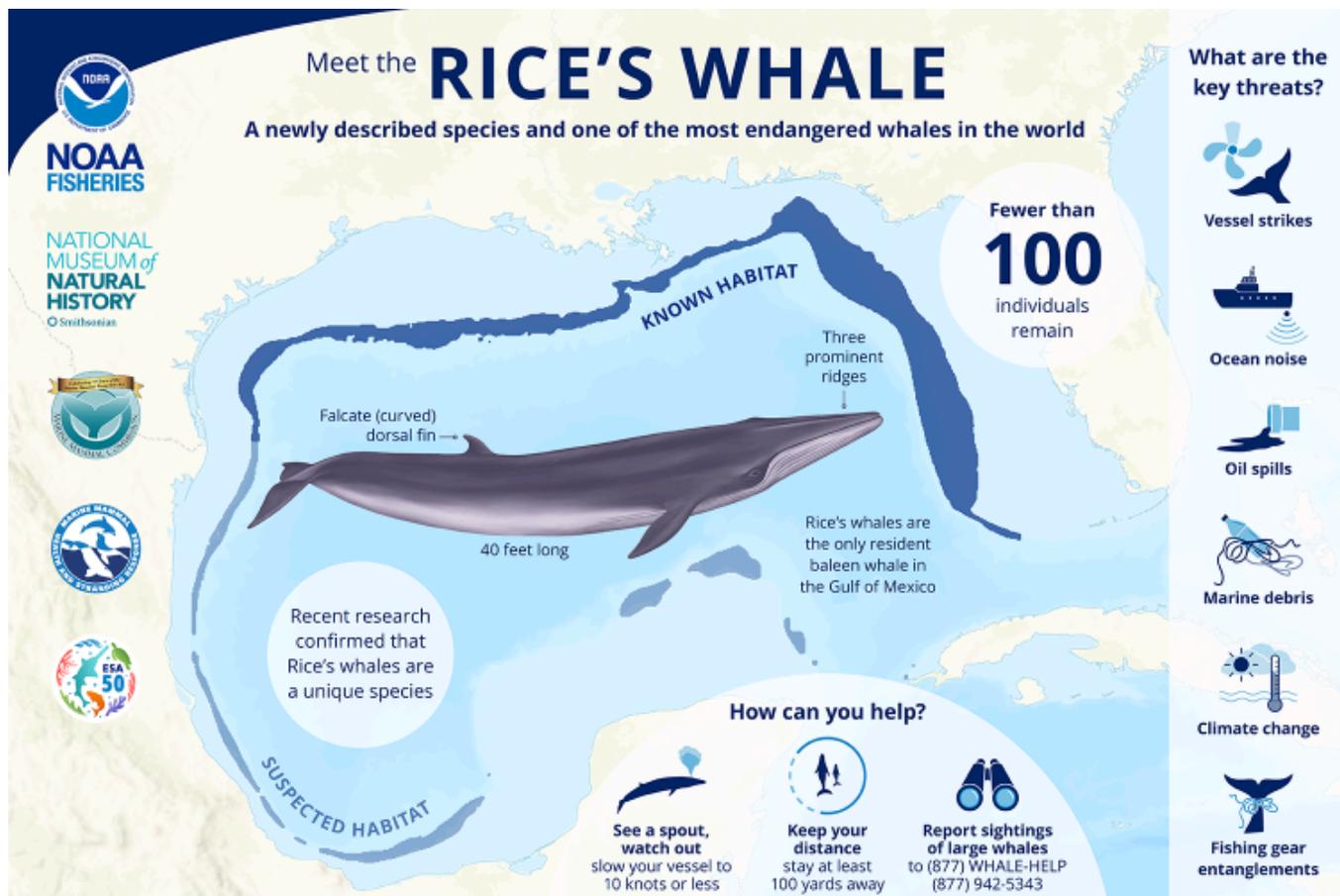
Some areas that would otherwise become critical habitat can be excluded from designation, if economic or national security impacts would outweigh the benefits of designation. In the case of habitat along the Gulf of Mexico, economic concerns center around oil and gas production, but NOAA has determined after careful study that economic impacts of critical habitat designation are likely to be minimal. Exclusion is not an option if a lack of designation would result in a species’ extinction.

Why is this critical habitat designation necessary?

Critical habitat designation is necessary because the Rice’s whale is listed as an endangered species. Designation is required by the Endangered Species Act for areas with features essential to the conservation of the species. Moreover, critical habitat is an important tool to help imperiled species recover to the point where listing is no longer needed.

Here, NMFS has grounded its conclusions in a five-year, agency-led study that was expressly focused on characterizing the habitat of this species, as well as years of sighting data and additional acoustic data. This information is clearly the best available: current, systematic, directly on point and peer-reviewed. Opponents of designation claim that there is no evidence of Rice’s whales in the central and western Gulf of Mexico. This is unequivocally false, and is proven wrong not only by sightings, but also by thousands of audio detections.

The Rice’s whale faces a critically low population, as well as a tremendous number and scale of threats. Critical habitat designation is an essential conservation measure required by law to help stave off extinction for the species and ensure its survival and recovery.



Courtesy: NOAA