



CALIFORNIA GRAY WHALE COALITION

PROTECTING THE MOST ANCIENT BALEEN WHALE ALIVE TODAY

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NATIONAL MARINE & FISHERIES DENIES GRAY WHALE DEPLETED PETITION

It was not a great Christmas message when the head of National Marine & Fisheries Agency (NMFS) called our Palo Alto office to inform the Coalition that the scientific petition to upgrade the Gray Whales to depleted status under the Marine Mammal Protection Act had been denied.



But, it was no surprise. The Coalition was expecting this result and so were many other groups who know how bad things are with this US government agency. NMFS provided the Coalition with a 29 page response which detailed the reasons for the denial. The Agency's argument was based on three scientific papers which were NOT provided to the public in spite of requests by the Coalition to include these papers in the Federal Register Notice so that people could make informed comment.

The Coalition is now seeking legal advice as to the grounds we can use to sue the US government over the denial of the petition. In spite of excellent comments of support from many groups who have experts in the field of marine conservation, the US government appears hell bent on driving the Gray Whales to extinction.

I drew up a list of the threats facing the Gray Whales. When you read through this list and then realise that the Agency with the mandatory responsibility to protect these whales has ignored each and every issue (or supported the threat), you will realise how serious is the plight of these whales.

THE THREATS FACING THE GRAY WHALE

- Climate Change – devastating their feeding grounds and primary prey
- Ocean acidification – wiping out their primary prey
- Naval operations. The operation known as NWTRC which is being conducted along the entire west coast slap bang in the middle of the migration which includes heavily pregnant whales and some newborn young. The whales are being subjected to sonar, bombardment, depleted uranium, acoustic trauma and harassment.
- Starvation as their food source disappears and there's no adequate alternative for this specialist feeder.
- Transient Orca predation taking out up to 35% of calves and juveniles annually.
- Wave energy projects which, according to experts, have the potential to stop the entire migration along the coast of California alone.
- Thousands of miles of crab pots, fishing nets with their potential for entanglement.
- The Makah Tribe of Washington state are seeking an annual quota of Gray Whales.
- The people of Chukotka, Russian Federation are killing 140 Gray whales annually.
- Major over-harvesting of a declining population is supported by NMFS.
- NMFS scientists have told the Coalition they expect this year to be the fifth consecutive season of very low cow/calf counts.
- Oil and gas industry and seismic exploration.
- Whales are suffering from what is known as the "stinky whale syndrome". These whales are contaminated with heavy metal, PCBs and fire retardant.
- Heavy industrialisation along their migration route.

NATIONAL MARINE & FISHERIES DENIES GRAY WHALE DEPLETED PETITION *Continued*



National Marine & Fisheries is long overdue for a Congressional inquiry into their operations.

The Naval operations along the West Coast have been given consent by NMFS to "take" 11 million marine mammals over the next five years! Take means kill. What agency could possibly contemplate giving consent to an operation of this nature? Sonar can be deadly, it can cause temporary deafness or permanent deafness. Sonar disrupts communication between mother and calf, it creates enormous stress as animals detour from their migration route exposing themselves to attacks by sharks and transient orcas.

It's somewhat ironic that the Marine Mammal Commission (although not in support of a status review or upgrading to depleted status) wrote in its recommendations:- that NMFS

- defer any status review until the scientific evidence provides a stronger basis for concluding that the population may be below its maximum net productivity level;
- focus its research and management efforts related to the eastern North Pacific Gray whale population on continued monitoring and expanded study of the whales' natural history and factors that may affect conservation of

the population including the whales' responses to changes in their environment;

- establish and fund a program to continue monitoring gray whale abundance and reproduction, and to initiate efforts to understand how climate change in the Arctic affects gray whale feeding, nutritional status and carrying capacity; and
- take advantage of opportunities (e.g., at meetings of the Alaska Scientific Review Group, Marine Mammal Society biennial meetings) to convene groups of gray whale researchers from Mexico, Canada, the Service, state research and management agencies, non-governmental organisations, academic institutions and Native American groups to discuss ways of coordinating research aimed at the issues that are most relevant to conservation of the eastern North Pacific gray whale population.

ALL OF THESE RECOMMENDATIONS WOULD BE MET BY A STATUS REVIEW WHICH NMFS REFUSED TO CONVE. THIS WOULD HAVE BEEN THE OUTCOME OF THE PETITION BEING ACCEPTED.

And further the Commission wrote.. "The California Gray Whale Coalition presents considerable information ... The information presented indicates that the population warrants close monitoring and attention by the National Marine & Fisheries Service, the Marine Mammal Commission and other organizations with research, management and oversight responsibilities."

The Coalition would, of course like some parameters of a "stronger basis of scientific evidence" for concluding the population is depleted. Given the list of threats, what else does NMFS require????

It is outrageous that NMFS does not pursue the precautionary principle. At every level the Agency has attempted to sabotage the petition and in the end, the whales.

Many thanks to all who sent in comments. The Coalition will keep you posted on developments.

The battle is far from over!

We will succeed because we must.

Sue Arnold CEO California Gray Whale Coalition

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