

GRAY WHALE

ACTION ALERT!

WE WON AN EXTENSION TO THE COMMENT PERIOD!

It has taken months of dedicated research and effort to put together a 14,000 plus word scientific petition detailing the reasons why the Gray Whale legal status should be upgraded to "DEPLETED" under the US Marine Mammal Protection Act (MMPA). This Act requires the Secretary of Commerce to prepare a conservation plan to promote conservation and recovery for any species or stock designated as depleted.

To upgrade their status, the National Marine & Fisheries service (NMFS) has 60 days under legislation to review the petition, get public comments and make a decision whether to accept or reject the petition. The petition was filed on October 21, a notice inviting public comment was posted in the Federal Register on November 9, the **public being given 14 days** to send in their comments on a massive scientific document; thereby leaving NMFS with 46 days for their review plus 19 days between receipt of petition and publication in the Federal Register.

This action was outrageous.

It would be hard to find a similar time frame in any other depleted petition on record. As well, the Federal Register notice posted by NMFS provided no email address for public comment, instead instructing the public to either go through the Agency's complicated electronic portal OR write letters or send faxes. All other NMFS notices

contain an email address for comments.

The basis of the petition is the extent of threats facing the whales.

To summarise quickly, they are:

- *climate change which is impacting primary prey as sea water temperatures warm up;*
- *transient orca predation which NMFS acknowledges could be causing 35% mortality annually, of calves and juveniles;*
- *the hypothesis which NMFS uses to set a quota does not acknowledge this predation rate and is deeply flawed; (too complex to describe in this letter) but the formula has resulted in massive over-killing; the population is in decline; very low cow/calf counts up and down the migration route.*

As always, the petition was reviewed by scientists and included some excellent models and graphs done by experts which clearly show an ongoing decline.

THANKS

Thanks to a huge reaction from so many of you, thanks to the office of Senator Barbara Boxer, thanks to everyone who took the time to request an extension for the outrageously short comment period,

WE HAVE AN EXTENSION FOR COMMENTS UNTIL DEC. 8th !!

CONGRATULATIONS EVERYONE.



PHOTO COURTESY OF JAMES DORSEY

In the next week or so, I'll be asking you to send in comment letters which I'll draft for those of you who prefer.



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SOME GREAT PUBLICITY IS HAPPENING.

Meantime, there's some more good news.

Articles on the Gray Whales and the Coalition written by our CEO have appeared in the Ocean Magazine; Coast Views Magazine; the latest issue of Underwater Times; an Opinion piece in the Santa Cruz Sentinel; a full color

advertisement in the Santa Cruz Sentinel (fantastic ad thanks to our new West Coast Director); and an extensive article in the Sentinel and the San Jose Mercury.

The word is getting out and the Coalition is growing rapidly.



PHOTO COURTESY OF JAMES DORSEY

MIGRATION JOURNEY

One task the Coalition is currently focused on is setting up a whale watching contact data base along the west coast migration route. Whale watching organizations are not in contact with each other as there's no email directory.



PHOTO COURTESY OF JAMES DORSEY

As we wait for the migration to begin (if it hasn't already) the feedback from whale watching people to the Coalition and to each other is going to be important.

Everyone will have their fingers crossed we see more cows and calves this year, but if not, this will be the year we draw a line in the sand.

As always, please contact the Coalition if you have questions. Donations at this time would be very welcome. Donations can be made on the Coalition website: <http://www.californiagraywhalecoalition.org/donations.shtml>

**For the Gray Whales,
Sue Arnold
CEO California Gray
Whale Coalition**

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