



FOR IMMEDIATE RELEASE: August 12, 2009

Contact Info: Brian Segee (Staff Attorney) or Linda Krop (Chief Counsel). 805.963.1622

CONSERVATION GROUP CHALLENGES FAILURE OF FEDERAL GOVERNMENT TO PROTECT ENDANGERED BLUE WHALE

Lawsuit to Be Filed Against National Marine Fisheries Service for Decade-Long Delay in Implementing Key Provisions of Blue Whale Recovery Plan

Santa Barbara, CA—Environmental Defense Center (“EDC”) today notified the National Marine Fisheries Service (“NMFS”) of its intent to sue the agency under the Endangered Species Act (“ESA”) for failing to implement the 1998 Blue Whale Recovery Plan. Recovery Plans play a vital role under the ESA, by identifying the actions necessary to increase populations of threatened and endangered species to the point where the protections of the Act are no longer necessary. Despite the fact that more than a decade has passed since NMFS approved the Blue Whale Recovery Plan, the agency has failed to carry out key provisions of the Plan intended both to improve limited knowledge concerning blue whale populations and habitat needs, and to minimize or eliminate threats caused by ship strikes and other harmful activities.

“Recovery plans serve as the primary ‘road map’ for achieving the most essential purpose of the Endangered Species Act—halting and reversing the decline of threatened and endangered species to the point where the protections of the Act are no longer necessary,” stated Brian Segee, EDC Staff Attorney. “While blue whale populations have begun to rebound from the brink of extinction, NMFS’s decade-long failure to implement the Blue Whale Recovery Plan has left the species needlessly vulnerable to ship strikes and other threats, and is preventing the ultimate goal of blue whale recovery from being realized.”

Averaging more than 70 feet in length and 70 tons in weight, and found in every ocean, blue whales are believed to be the largest animal to have ever lived on Earth. Nearly hunted to extinction in the 20th century, the killing of blue whales was finally banned by the International Whaling Commission in the mid-1960s, and the species has been listed as endangered since the ESA’s enactment in 1973. It is believed that more than 350,000 whales existed before large-scale whaling, and today the global population is estimated to be approximately 10,000 animals.

EDC’s notice comes in the midst of a banner blue whale season up and down the southern California coastline. Since 1992, the Santa Barbara Channel has hosted the densest seasonal congregation of blue whales on the planet, and in recent years, the species has been commonly sighted from San Diego to Point Conception. While it has not been conclusively determined why blue whales have become more common in southern California, scientists have speculated that the species may be following distributions of its nearly exclusive food source, krill, that are shifting in response to climate change.

“It is an exciting and optimistic time for blue whale conservation, but the species is still vulnerable and new threats including climate change are emerging. By implementing the Recovery Plan, NMFS will be in a better position to understand these changes and protect the species and its habitat,” stated Segee.

Despite their size, knowledge of blue whales remains quite limited. As a result, the Blue Whale Recovery Plan did not establish a population number threshold at which the species could be removed from the endangered species list, but instead directed NMFS to first determine the stock structure, size, and trend of blue whale populations. Many of these actions have not been carried out, and as a result, NMFS has still not defined at what point the species can be considered recovered.

In addition to provisions requiring further research and study, the Blue Whale Recovery Plan also required NMFS to identify and then implement actions necessary to minimize or reduce harm caused by ship strikes and other activities that have replaced whaling as primary threats to the species. The need for such actions was tragically illustrated in September 2007, when four blue whales were killed by ship strikes in the Santa Barbara Channel. Despite this clear wake-up call, NMFS still took no action to develop and implement proven methods to reduce such collisions in the future, such as reducing ship speeds in the Channel and other areas where such strikes have been documented.

“Ship strikes have long been known to be a primary threat to recovering blue whale populations, and that threat will only continue to increase in areas such as the Santa Barbara Channel as shipping traffic to the already congested Los Angeles and Long Beach Ports intensifies,” stated Linda Krop, Chief Counsel for EDC. “It is imperative that NMFS act immediately to effectively and aggressively address all threats to blue whale populations as required by the Blue Whale Recovery Plan.”

Under the ESA, potential litigants must file a 60-day notice of intent to sue before lawsuits can be filed alleging that the government has failed to carry out its non-discretionary duties under the Act. While Environmental Defense Center is committed to pursuing legal remedies if necessary, it is EDC’s hope that submission of the notice will prompt NMFS to begin implementing the Blue Whale Recovery Plan without court intervention.

(End).

The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action and works primarily within Santa Barbara, Ventura and San Luis Obispo counties. Since 1977, EDC has empowered community based organizations to advance environmental protection. Program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health.