

Environmental Defense Center
Friends of the Earth
Pacific Environment
Center for Biological Diversity

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**CONSERVATION ORGANIZATIONS JOIN LEGAL EFFORT
TO PROTECT ENDANGERED BLUE WHALE**

**Recent Ship Strike Mortalities Again Demonstrate Consequences of
Government's Decade-Long Delay in Implementing Blue Whale Recovery Plan**

Friends of the Earth, Pacific Environment, and Center for Biological Diversity, national and international conservation organizations with a combined membership of more than 120,000 people, today joined a notice of intent to sue the National Marine Fisheries Service ("NMFS") (submitted by Environmental Defense Center ("EDC") in August) for the agency's failure to implement the 1998 Blue Whale Recovery Plan. Among other actions, the Recovery Plan mandates that NMFS shall identify and implement methods to eliminate or reduce blue whale mortalities from ship strikes. NMFS has failed to take this required action for more than a decade, despite the deaths of at least five blue whales from ship strikes in southern California in 2007, and two additional ship strike mortalities along the California coast in October 2009.

"Recovery plans serve as the primary 'road map' of actions necessary to both protect and recover our Nation's most imperiled wildlife species," stated Brian Segee, staff attorney with EDC. "The blue whale deaths in October again demonstrate that it is long past time for NMFS to carry out the Blue Whale Recovery Plan's mandate to implement measures that will eliminate or minimize ship strikes."

Driven to the brink of extinction by whaling in the mid-20th century, blue whale populations have begun to slowly increase in many areas, and the species is now sighted during the summer along many areas of the California coast. While these increased sightings are cause for optimism, blue whale population numbers remain at a small fraction of their historic levels (today's global population is estimated to be 10,000 animals, compared to a population of at least 350,000 before whaling). In addition, the species is now confronted with a host of new and emerging threats, including not only ship strikes but climate change, ocean acidification, and noise pollution.

"Abundant blooms of krill have brought blue whales to our coast, which has given many people a wonderful opportunity to see this rare, mammoth creature," said Andrea Treece, an attorney with the Center for Biological Diversity. "Unfortunately, as more whales have gathered off busy ports, more have been hit and killed by ships. NMFS's refusal to address threats like ship strikes threatens to erase all the hard-won progress this species has made so far."

"The California coast is a major gateway for commercial shipping traffic and a prime feeding ground for the largest population of blue whales in existence. It is imperative that we find ways to reduce the threat of lethal ship strikes in waters where these whales are most vulnerable. Slowing

ships down is one proven way to do so,” stated Jackie Dragon, Marine Sanctuaries Campaign Program Director for Pacific Environment.

“The exponential increase in shipping off our coasts presents an ongoing and increasing threat of ship strikes to these magnificent animals,” said Marcie Keever, Clean Vessels Campaign Director at Friends of the Earth. “NMFS, the agency charged with stewardship of the nation’s living marine resources, has remained indifferent to the plight of the blue whales for over a decade now. With this notice, we seek to finally compel NMFS to take the protective actions required by law.”

Recovery Plans play a vital role under the ESA by identifying the actions necessary to not only prevent further population declines and habitat loss, but the proactive steps needed to recover imperiled species. 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 minimize or eliminate threats caused by ship strikes, pollution, and other harmful activities and improve the agency’s limited knowledge concerning blue whale populations and habitat needs (these failures are described in detail in the notice letters attached to this press release).

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 the conservation organizations are committed to pursuing legal remedies if necessary, it is their 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.