

# SAVE THE WHALES

Save The Whales purpose is to educate children and adults about marine mammals, their environment and their preservation .

## Navy Seeks Backing of U.S. Supreme Court For Use of Sonar in So. California

On Monday, March 31, 2008, the U.S. Navy asked the U.S. Supreme Court to overrule an appeals court that forbade sonar training exercises off California because the service had not properly studied possible harm to whales and other marine mammals. The Navy said that the training is essential and that the White House acted properly in citing "emergency" circumstances to continue the exercises. The lower court ruled last month that there was no emergency and that the Navy must comply with all environmental laws related to the sonar training.

### Protection for Whales Against Military Sonar Imposed by U.S. Federal Court

In August 2007, a federal court in California imposed the strongest-ever protections for whales against an onslaught of military sonar. The new controls are the result of a Natural Resources Defense Council (NRDC) lawsuit that demanded the Navy rein in its deadly sonar before beginning two years of maneuvers near the Channel Islands -- one of the world's most sensitive environments and home to five endangered species of whales.

The Navy itself estimates that the booming sonar would harass or harm marine mammals some 170,000 times -- and

**The Navy is not "exempted from compliance with the National Environmental Policy Act."**

**U.S. District Judge Florence-Marie Cooper  
February 4, 2008**

cause permanent injury in more than 400 cases.

U.S. District Judge Florence-Marie Cooper said the Navy's existing plan for protecting marine mammals was "grossly inadequate." And she ordered the Navy to put a series of precautionary measures in place -- many of them recommended by NRDC -- that will go a long way toward protecting whales from needless injury and death.

The ruling said that the Navy will not be permitted to use its dangerous mid-frequency sonar within 12 miles of the California coast, a zone that is heavily used by migrating whales and dolphins. Sonar will also be banned in the Catalina Basin, an underwater canyon with a high density of whales.

The Navy will have to monitor for marine mammals by ship and by air before and during its sonar exercises. If any marine mammals are spotted within 2200 yards of the ship, the Navy will have to shut down its sonar.

These safeguards represent a giant leap forward in the decade-long campaign to make sure that whales don't have to die for the sake of sonar military practice.

### Bush Exempts Navy

However, on January 15, 2008, President Bush signed a waiver exempting the Navy from parts of an environmental law so it could continue to use mid-frequency sonar off the California coast. Responding to Bush's move, the federal judge who earlier this month ordered the Navy to adopt restrictions on its use of the powerful sonar has temporarily suspended two of the precautions the Navy most despises (continued next column)

## Japan's Humpback Whale Kill Halted

The Japanese whaling fleet is planning to continue whaling humpback, fin and minke whales this year and in coming years. Though they temporarily suspended the humpback whaling while they discuss the issue with the International Whaling Commission (IWC), they plan to continue whaling humpbacks and fins next year, if not this year. Even though humpback whales get the most attention, the fin whale populations are also in need of protection. (continued on pg. 9)

### Navy Sonar (continued from previous column)

The Navy is no longer required to shut off the sonar when marine mammals come within 2200 yards (now it's 200 yards), and the Navy no longer has to reduce the sonar's power when certain ocean conditions make the sonar travel farther than it normally would. However, the other precautions the judge imposed remain in place for now, including the 12-mile no-sonar buffer zone off the California coast and the requirement that the Navy post trained whale spotters on its ships and planes.

### Judge Overrules Bush Exemption

On February 4, 2008, U.S. District Judge Florence-Marie Cooper stated that the Navy is not exempted from compliance with the National Environmental Policy Act, and the court injunction created a 12 nautical mile no-sonar zone off Southern California.

Not surprisingly the White House disagreed with the decision.

Joel Reynolds, the attorney for NRDC spearheading the legal battle said, "It's an excellent decision." He continued, "I always felt that the president's actions were illegal in this case and the judge has affirmed that point of view with the decision today."

Judge Cooper said that she has significant concerns about the constitutionality of the President's exemption. "The government can appeal Cooper's decision in the 9th U.S. Circuit Court of Appeals in San Francisco or they could request permission from the appeals court to allow sonar exercises until the appeal is resolved."

The Navy has been forced again to obey environmental laws and stop its needless killing of whales -- without compromising military readiness. "The Navy's current emergency is simply a creature of its own making, i.e., its failure to prepare adequate

(continued on page 4)

## Critically Endangered Cetacean - The Gulf of California Harbor Porpoise - Vaquita

Tom Kieckhefer, M.Sc., of Save The Whales staff and a Marine Ecologist/Educator, recently traveled to South Africa for a symposium on Society for Marine Mammalogy's 17th Biennial Conference on the Biology of Marine Mammals. Tom gave a presentation on his sea otter research in the Monterey Bay Area of California.

One of the most important subjects to come from the presentations, Tom believes, is the issue of the 10 Most Endangered Cetaceans in the world. No. 1 on the list is the baiji which was declared extinct in 2007. The dubious distinction of now being the No. 1 most critically endangered population of a cetacean species is the vaquita or Gulf of California porpoise. Below is the ranking which lists many smaller, not commonly known dolphins and porpoises:

- 1) Yangtze River dolphin or baiji (*Lipotes vexillifer*) extinct 2007
- 2) Gulf of California harbor porpoise/vaquita (*Phocoena sinus*)
- 3) North Pacific right whale (*Eubalaena japonica*)
- 4) North Atlantic right whale (*Eubalaena glacialis*)
- 5) South Asian River dolphin (*Platanista gangetica*)
- 6) Irrawaddy dolphin (*Orcaella brevirostris*)
- 7) Atlantic humpback dolphin (*Sousa teuszii*)
- 8) Franciscana (*Pontoporia blainvillei*)
- 9) Bowhead whale (*Balaena mysticetus*)
- 10) Hector's dolphin (*Cephalorhynchus hectori*)

### The Vaquita (*Phocoena sinus*)

The vaquita, or Gulf of California porpoise, is now the world's most critically endangered cetacean species. The cause is incidental mortality in fishing gear, and the future of the species is uncertain.

It is among the smallest of marine cetaceans. Like similar *phocoenids*, it has a taller, more falcate dorsal fin and larger flippers. The dorsal fin more closely resembles that of a dolphin rather than a porpoise. It resembles other porpoises in that it is stocky with a blunt beakless head.

When seen from a distance the vaquita may be confused with bottlenose and other long-beaked common dolphins, both of which are in the vaquita's range. The small size of groups, its unique body shape (no prominent beak), as well as its behavior, distinguish it from other cetaceans.

Color pattern is unique with distinct black to dark gray lip patches and eye rings. The body is light brownish-gray with a whitish belly and a chin to flipper stripe. Calves are usually darker than adults.

Their life history seems to be similar to other more closely studied species of porpoise. Sexual maturity in females is between 3 and 6 years and males are assumed to be similar. Most calves are born in the spring (around March) and gestation is about 10-11 months. A female appears to give birth about every other year. Maximum known longevity is 21 years.

The vaquita is distributed in the relatively murky, shallow waters in the northern quarter of the Gulf of California near the estuary of the Colorado River. There is some suggestion that the range may have extended further south in the Gulf. The animals are usually sighted in the western portion of the upper Gulf between San Felipe Bay and Rocas Crossing.

Of the 34 stomachs studied, the contents indicate opportunistic

feeding on a wide array of fishes, squids and crustaceans.

The estimated mortality from gillnet fishing is at least 39 and perhaps as many as 84 vaquitas per year. This is unsustainable as the most recent estimates of total abundance for the vaquita was 567 animals in 1997. The population has been declining since the 1940s and may be declining by 15% a year.

Attempts to conserve the vaquita are being made through the creation of a biosphere reserve and a wildlife refuge that includes waters outside the reserve in the upper Gulf of California. The Mexican government has formed an international recovery committee team to plan to save the vaquita, and the Southwest Fisheries Science Center in La Jolla, CA has three members on the team (B. L. Taylor, J. Barlow and R. L. Brownell, Jr.). They are actively collaborating with Mexican colleagues, using science to help them choose appropriate recovery strategies.

Source: *Marine Mammals of the World: A Comprehensive Guide to their Identification* by Thomas A. Jefferson, Marc A. Webber and Robert L. Pittman.

### First Large Whale Euthanized

An adolescent sperm whale, an endangered species, was found floating in the coastal waters off Pinellas County, Florida. It was put to death when biologists determined that the 15-ton mammal could not be saved. They spent two days attempting to coax the toothed whale back into deeper waters. Over time, the animal became unresponsive and its breathing became labored. After trying to help the whale survive, marine biologists began planning for its death.

Jamison Smith, an NOAA marine biologist, flew in from Massachusetts in order to administer a sedative so biologists could approach the whale while it floated in the shallow gulf waters. Using a one-of-a-kind dart gun manufactured in New Zealand, Smith injected 50 cubic centimeters of the narcotic Meperidine into the whale from a distance of about 25 feet.

The \$40,000 gun, which NOAA calls a remote drug delivery injection device, has been used only a handful of times since it was developed in early 2007. "This is the only device of its kind in the world," Smith said. The device helped save a pair of sick humpback whales in May, lost in the Sacramento River in California by administering antibiotics. (See [www.savethewhales.org](http://www.savethewhales.org) MARINE MAMMAL SPECIES/BALEEN WHALES/Humpback for the story of Delta and Dawn May 2007.)

In this instance, the sedative allowed marine veterinarians to inject a lethal dose of the sedative barbitol into the 30-foot whale. About 100 onlookers gathered on the beach at Fort De Soto as a boat towed the dead whale ashore. Biologists were scheduled to perform a necropsy late Tuesday hoping to understand what was wrong with the mammal. There were no visible signs of trauma. The whale's remains will be buried at the park, Engleby said.

More than 1,300 sperm whales are estimated to live in the Gulf of Mexico, but most spend their entire lives in waters deeper than 660 feet. Moving to shallow waters is often a sign of distress. Sperm whales have the largest brain of any animal (average 17 pounds in mature males) and could live for more than 70 years, according to NOAA's National Marine Fisheries Service.

## Bushwhacked- Environment Gains Being Undone

### EPA Denies California Right To Regulate Greenhouse-Gas Emissions

The U.S. Environmental Protection Agency (EPA) denied California the right to regulate greenhouse-gas emissions from vehicles, by rationalizing that the recently passed energy bill would be a stronger emissions-reduction policy than the state's plan. California claims that its emissions-reduction plan is far more effective than federal law. Evidently, Vice President Cheney met with chief executives of Ford and Chrysler in mid-December according to the *Detroit News*. The Chrysler representative gave the vice president a position paper which made the case that the EPA should be permitted to regulate greenhouse gases.

EPA administrator Stephen L. Johnson gave a ruling that solidified the auto industry's argument and denied the waiver request necessary to allow California regulators to begin enforcing new gasoline mileage standards. A member of the California Air Resources Board told the *Washington Spectator* that every technical and legal requirement had been met and there was no valid reason for the EPA to deny the waiver.

California has sued and released statistics refuting the EPA's claim. They state that the new federal law will cut greenhouse-gas emissions in California by 8 million tons by 2016, but California's, if allowed, would reduce emissions by 17 million tons in the same time period, according to the stats. If 12 other states adopted California's law, as they have said they would do, greenhouse-gas emission reduction from those states would be 59 million tons by 2020. Under the federal law, the reduction would be only 37 million tons by 2020. The EPA will release its own stats, which are likely to reach somewhat different conclusions.

Johnson had been the director of the EPA's Office of Prevention, Pesticides and Toxic Substances, and had been at the EPA for 27 years when he was appointed by Bush to lead the EPA. Senator Tom Carper (D-Delaware) said at that time, "He's going to be a yes man." He was the only senator to oppose Johnson's appointment.

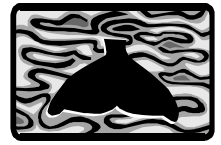
The U.S. Supreme Court ruled in October 2006 that the EPA could and should regulate greenhouse gases. In December 2007, Federal District Judge Anthony Ishii, Fresno, CA ruled against the Washington-based Alliance of Automobile Manufacturers. They are a trade group representing ten large car and light-truck makers. They claimed that California's attempt to curb climate-altering tailpipe gases was an unconstitutional intrusion on the federal government's authority to regulate fuel mileage. Judge Ishii's decision was based on the law, unlike the EPA administrator's ruling.

Los Angeles Congressman Henry Waxman and California Senator Barbara Boxer demanded the documents underlying Johnson's decision. One week after the deadline set by Boxer, the EPA delivered the documents. They were so badly blacked out by the government as to be useless. Sixteen of 43 pages were redacted and included a blank page below the heading "EPA likely to lose suit." An EPA associate administrator told Boxer that releasing the information would discourage EPA staffers because "EPA is concerned about the chilling effect that would occur if agency employees believed their frank and honest opinions and analysis expressed as a part of assessing California's waiver request were to be disclosed in a broad setting."

Source: *The Washington Spectator*

### FLUKES DOWN

**TO the United States** for ranking 39 out of 149 in a recent environmental assessment. Ranking was in the categories of agriculture policies, air pollution, sanitation, greenhouse-gas emissions and criteria. As a whole, European countries scored well with seven of the top 10 nations. Researchers at Yale and Columbia University who did the numbers, said this year they weighted climate change efforts more than in previous years. Lingering smog problems, along with high greenhouse-gas emissions, led to the U.S.'s low ranking. China was at 104; India at 120, Iraq at 134, and Niger was last.



**TO Warren Resources, Inc., Wilmington CA** and several workers at their oil refinery. Six employees, the refinery's general manager, and an environmental consultant were accused with criminal charges related to four oil spills last year. They did not report the threatened discharge of oil into marine waters and failed to prepare and implement an oil spill contingency plan.

### FLUKES UP

**TO Frito-Lay in Arizona for planning to** manufacture eco-friendly potato chips.



They intend to have a plant that is almost entirely off the grid and powered with renewable fuels. The company's Casa Grande plant will recycle water in its desert locale, and will advertise that it's using solar power to make SunChips.

**TO California State University, San Marcos,** for being this year's grand recycling champion. They engaged in a competition that pitted colleges against each other and San Marcos won by recycling nearly 60 percent of their waste.

**TO Whole Foods Grocery Chain** who announced that this Earth Day, April 22, will be the last day that they will give out plastic bags. Customers will be encouraged to bring their own recycled and reusable bags. Groceries will be bundled into 100% recycled plastic bags for customers who forget bags. Whole Foods estimates that the plastic-bag ban at all its 270 stores in the U.S., Canada, and the U.K. will eliminate the use of about 100 million plastic sacks between Earth Day and the end of 2008.

**TO Governor Arnold Schwarzenegger CA** for signing a historic bill that will require the use of non-lead ammunition in condor habitat. This should cut down on the number of condor deaths due to lead poisoning, the major cause of death in America's largest terrestrial bird.

**TO the Bishop of Liverpool and the Bishop of London** who made a call on February 6 to Christians to lessen their carbon footprint for Lent. They are asked to follow a few simple steps designed to help cut CO<sup>2</sup> emissions that include: avoiding plastic bags, giving the dishwasher a day off, insulating the hot water tank, checking the house for drafts with a ribbon and buying draught excluders. Those taking part will be asked to remove one lightbulb in the home and live without it for 40 days. On the final days of the Fast, they will be asked to replace it with a low-energy bulb.

environmental documentation in a timely fashion.+ Judge Cooper later added that the Navy's position produces the absurd result of permitting agencies to avoid their NEPA obligations by recharacterizing ordinary, planned activities as emergencies in the interests of national security, economic stability, or other long-term policy goals. . . . This cannot be consistent with Congressional intent.+

### 9th U.S. Circuit Court Appeals Upholds Judge's Decision

In San Francisco, on February 29, 2008, the Ninth Circuit Court of Appeals upheld the federal judge's decision that no emergency existed that would justify Bush's intervention. The three-judge panel said that the Navy is engaged in long-planned, routine training exercises+ and has had ample time to take the steps that the law requires - conduct a thorough review of the environmental consequences and propose effective measures to minimize the harm to whales and other marine mammals.

The Navy had 30 days after the Ninth Circuit ruling to file an appeal to the U.S. Supreme Court and it did. During that period it had to comply with the bulk of the precautions.

### Ship Shock Circa 1994

In a 1994 hearing in Los Angeles headed by Save The Whales, the Navy's plan to conduct five year tests in the Channel Islands off of Southern California in 1994 was challenged. Natural Resources Defense Council and the law firm of Shearman and Sterling represented Save The Whales and four other groups. After a five-day hearing, Judge Stephen V. Wilson, United States District Court, ordered that the Navy was forbidden from performing Ship Shock+ tests off the Channel Islands of California.

In an unprecedented ruling, the court found that the Navy could not conduct the five-year tests, with up to 54 detonations per year to test the effects of the detonations on the hull integrity and electronic components of new naval cruisers. Tests had the potential to kill 10,000 marine mammals.

The statements made by Judge Wilson parallel those of the recent rulings: "The Navy and National Marine Fisheries Service (NMFS) failed to comply with the obligation to protect marine mammals, prepare a full environmental impact statement, investigate all reasonable alternative sites and properly mitigate the impact of the detonations on marine life.+ He stated, "The Court notes that NMFS and the Navy did not engage in a careful analysis - or much of an analysis at all - to consider whether decreases in density further to the west would more than offset any impairment of mitigation efforts.+

### Al Gore Tells World to Go it Alone

At the United Nations climate change summit in Bali, Al Gore commented that the Bush administration is the main obstacle to progress in international efforts to fight global warming, but the rest of the world should move on without it.

"I am not an official of the United States and I am not bound by diplomatic niceties," said Gore in an emotional speech to delegates that lasted close to an hour. "So I am going to speak an inconvenient truth: My own country, the United States, is principally responsible for obstructing progress here in Bali. We all know that."

## • Oil Spill in San Francisco Bay

### Ship Hits Bridge •

On November 7, 2007, a 65,131-ton, 810-foot-long cargo ship crashed into the base of a tower of the Oakland Bay Bridge's western span in heavy fog at about 8:30 a.m. leaking 58,000 gallons of oil. The container ship, the *Cosco Busan*, was traveling from Oakland to South Korea. The bridge was not damaged but the ship had a gash estimated at 80 ft. long and 20 ft. wide.

The U.S. Coast Guard was on the scene within 90 minutes, but Coast Guard participation has been heavily criticized. It took much longer for the oil-skimming vessels to arrive. At that time, it was believed only 140 gallons of oil had leaked into the water. It was then learned that the actual amount of the spill was an alarming 58,000 gallons of heavy bunker fuel. That news was not announced to the public and some local officials until 9 p.m.

The attorney for the pilot of the *Cosco Busan* said the pilot notified authorities immediately of the accident. However, the pilot reportedly radioed to traffic that, "we just touched the bridge span.+ The crash was the first time an oceangoing ship had run into the bridge. The oil spread and began hitting major landmarks in and around San Francisco Bay. It moved west, traveled under the Golden Gate Bridge, and into the Pacific Ocean. Beaches were contaminated, and hundreds of birds were coated in thick, gloppy oil causing injury and death. A state of emergency was declared by California Governor Arnold Schwarzenegger to make state funding and resources available for the cleanup. Coast Guard officials said 16 beaches were closed to the public because of contamination:

"It's very discouraging, and it's bad. Birds come here to feed because it's a very rich, a very diverse region," said Jay Holcomb, director of the International Bird Rescue Research Center in Fairfield, CA, the rehabilitation center that eventually received all of the recovered oiled birds. "We know oil spills are horrible. The animals are frightened. We catch what we can. We do the best we can, but we're limited in what we do. It's just sad to see this."

Hundreds of volunteers and a fleet of oil-skimming boats worked to clean up the spill, but authorities said most of it will never be captured. Some of the oil will dissipate but concentrated globules could survive for months and cause problems for seabirds. Bridget Hoover, Water Quality Protection Program Director for the Monterey Bay National Marine Sanctuary, said that she was impressed by the quick response and coordination efforts of the Farallones Marine Sanctuary Association (FMSA) staff and volunteers. Their Beachcomber volunteers were instrumental in conducting daily sunrise beach surveys to assess the extent of the oiled beaches along the coast. The Beachcomber long term data set was also used in the decision making as to how clean is clean+ for cleanup efforts. "The Beachcomber volunteers and staff worked tirelessly for more than three weeks to identify oiled beaches and rescue birds in hopes of lessening the impact of this unfortunate event," said Hoover.

The U.S. federal government has accused the ship pilot and owners of the *Cosco Busan* of breaking environmental laws. The Justice Department has filed a lawsuit alleging that several Acts were violated. It named owners, operators and managers of the ship believed to be headquartered in Hong Kong. Ship Captain John Cota is also named, as well as the ship's insurers. (continued p. 8)

# In Memoriam

## Steve Bielecki

August 16, 1970 - May 1, 2006

We honor and celebrate Steve whose life touched so many people in so many ways. We toast his passion, love, vitality and strength that he gave all of us during his time of pain and suffering. He always kept a positive outlook and a will to live throughout it all. He is truly loved to this day and will be extremely missed. Many blessings and love to Steve as he makes his journey to the heavens, free of pain and with all of the love and support from his friends and family. Now, you can finally swim in peace with the whales you so loved. Save The Whales gratefully acknowledges funds received in his memory for their educational programs.

## LisaJo (Csencsits) Daurizio

October 12, 2007

Mrs. Daurizio died suddenly at the age of 44. She is survived by her husband, Romeo Daurizio, and mother, JoAnne Coplan. Save The Whales has received many contributions for their educational programs in her memory for which we are thankful.

## Sharon Holliday

Dumfries, Scotland  
28/03/87 - 16/10/2007

Shaz was passionate about whales and dolphins. Her love of these animals was highlighted when she went to America and met Shamu. Shaz was born with cystic fibrosis, and her premature death was at the age of 20. The funds raised from her untimely death will be used for Save The Whales' educational programs.

### I am a Humpback Whale

I am a humpback whale  
Swimming in the sea  
I think that the trawler nets  
Are going to catch me  
  
I am a humpback whale  
Swimming in the sea  
I've noticed that the water's  
Not as clean as it should be  
  
I am a humpback whale  
Swimming in the sea  
I feel that the water's  
Getting too warm for me  
  
I am a humpback whale  
Swimming in the sea  
I worry that the whaling men  
Are coming after me  
  
I am a humpback whale  
Playing in the sea  
I really want to flip my fins  
And giggle with glee

By Charlie Sussemilch, age 10, London, England

All funds received from these fundraisers will be used for Save The Whales educational programs.

## Sponsored Swim Fundraiser

This fundraiser comes from the Isle of Wight in England where Courtney Durand and two of her friends raised funds. They did a sponsored winter day swim as part of a school project and raised \$36.47. Thank you Courtney and friends for swimming for Save The Whales and your contribution.  
June 2006

## Show Raises Funds

Lauren Smyth of Kingwood, TX reports that she raised \$250 through her charity event. The show was phenomenal, and Lauren said there was a point where the 100-strong crowd was chanting Save The Whales to an *erratic* drumbeat. Thanks for your great effort.  
February 2007

## Narwhal Appreciation

Samantha Sharp of Santa Cruz High School, Santa Cruz, CA started a Narwhal Appreciation and Awareness Club. The students are concerned about the continued hunting of narwhals. They raised \$200 in a campaign which was contributed to Save The Whales. Thank you narwhal lovers.  
March 2007

## Bake Sale to Save a Whale

The Grade One students at Glenbrook Elementary School, Calgary, Alberta, Canada, studied the impact of humans on the environment as part of understanding their rights and responsibilities in sharing the earth's finite resources with others. They raised funds to make a difference by holding a Bake Sale to Save a Whale, as well as a lemonade stand. The students also created and sold whale whistles to their families. They raised over \$400 and school administration raised the sum to \$404 US. With their funds, they purchased 24 Adopt A Whale kits. Thank you for your innovation and contribution.  
May 2007

## Nine-Year-Old Raises Funds at Birthday

Instead of getting presents for his 9th birthday, Alex Workman of Fredericksburg, VA, asked his friends to bring donations for Save The Whales. He raised \$300 with his effort and Alex reports, he felt really good about it. His interest in whales began when he did a project about the blue whale in school. He learned that they reproduce only once every two years and that we need to be careful to keep them healthy. He thanks us for helping save the whales for all of us, and we thank Alex for his generosity.  
June 2007

## Birthday Fundraiser Held by Ten-Year-Old

For her 10th birthday, Lucy Kneissler of Arlington, MA asked for donations instead of gifts and raised an impressive \$92. We appreciate her enthusiasm, and thank her for her selfless fundraiser.  
June 2007

## Brownie Troop Raises Funds

Brownie Troop 636 of Cathy Cropley in Mars Hill, ME watched the film *Free Willy* and decided they wanted to help the whales. They collected loose change from couches and other places and raised \$76.07! Through this year-long project, the girls learned that even small change can *make a difference*. Thank you Brownies.  
August 2007

# Whaling – A View from Norway

by David Welsh, NOAH - for animal rights

## **A Seafaring People**

If there's one thing that defines Norwegian identity more than anything, it's probably the sea. From the Viking longships of a thousand years ago that brought the first Europeans to the American continent, to the hardy polar explorers of the nineteenth century, and Thor Heyerdahl's voyage across the Pacific on the *Kon Tiki* in the 1950s, seafaring is part of how Norwegians define themselves as a people and a nation. In Norway's second largest city, Bergen, on the west coast, there's a well-known monument to these seafaring traditions. In the heart of the city, by the harbor that has been in continuous use for a thousand years, this monument depicts Viking warriors, polar explorers, fisherman and whalers.

## **Government Support**

For decades, the Norwegian government has brushed aside international objections to the whaling industry. They reject out of hand arguments about conservation and animal welfare, and simply insist that whaling is a perfectly sustainable method of harvesting the natural resources of the oceans, and that all the whales die instantly and without suffering. Furthermore, they claim, whales are responsible for the declining fish stocks in Norwegian waters.

Tell a lie often enough, it is said, and it becomes the truth. Despite the fact that the Norwegian government's statements on whaling are contradicted even by their own scientists, they have been repeated so often that many ordinary Norwegians simply accept them unquestioningly. Whaling has also become something of a symbol of sovereignty for some Norwegians. Norway lost its independence in 1397, and didn't get it back until 1905. Whilst Norway is in many ways a self-confident, modern European democracy, it's still somewhat sensitive to feeling that it's being pushed around by other countries. In some ways, the international pressure on Norway to abandon whaling has turned whaling into a symbol of Norwegian independence and identity, and in some quarters produced a bloody-minded determination to defend whaling at all costs, whatever the scientific and economic arguments.

## **A Growing Opposition**

But fortunately, not all Norwegians see things in this way. NOAH - for animal rights is Norway's largest animal rights organization, and was one of the first voices in Norway to speak out against whaling. NOAH was founded in 1989, at a time when even animal welfare and environmental groups in Norway supported whaling. The campaign was not received positively. To be opposed to whaling was almost sacrilegious, unpatriotic even. But things, thankfully, have begun to change. Even ten years ago, anti-whaling activists distributing information on the street would be fortunate to meet even one or two people who agreed with their message. In the last few years though, a growing number of people have been responding positively to NOAH's message. The opposition is beginning to gather pace, and other Norwegian animal welfare and environmental groups are starting to become more critical to whaling.

## **How You Can Help**

NOAH is currently trying to raise funds to employ an Anti-Whaling Campaign Coordinator, someone who can engage actively with the media, the scientific community and politicians in Norway to

further the anti-whaling cause. We are optimistic about the prospects of further turning public opinion against the whaling industry, and getting politicians to question the substantial amount of taxpayers' money that goes into subsidizing it. As Norway isn't the easiest place in the world to raise money to campaign against whaling, we are hoping that those who oppose whaling in countries around the world will be able to donate to help us step up our campaign. If you visit our website [www.dyrsrettigheter.no](http://www.dyrsrettigheter.no) you can donate by PayPal. Simply mark your donation %Whaling.+ If you would like more information on NOAH's anti-whaling campaign, e-mail [dwelsh@dyrsrettigheter.no](mailto:dwelsh@dyrsrettigheter.no) If you would like to encourage the Norwegian government to abandon its support for the whaling industry, you can contact the embassy at the following address: Email: [emb.washington@mfa.no](mailto:emb.washington@mfa.no)

**Royal Norwegian Embassy in Washington  
2720 34th Street NW  
Washington, DC 20008**

## **Endangered Species Act How it Affects Polar Bears**

Listing decisions under the Endangered Species Act must be made on the basis of the best available science. Therefore, the current rulemaking for polar bears would have to concede the severity of the global warming crisis and acknowledge the fact that a rapid, dramatic reduction in greenhouse gas emissions is necessary to prevent the extinction of the bears.

Protection under the Endangered Species Act will provide concrete help to polar bears and could transform American climate policy. Due to the U.S. dragging its feet to curb greenhouse gases, other countries have shirked their responsibilities as well. Protecting the polar bear would require a new level of environmental review before oil and gas development continue in polar bear habitat in the American Arctic. Because it is illegal to harm threatened species or jeopardize their survival, the polar bear listing could mean that all U.S. industries emitting large quantities of greenhouse gases will be reviewed under the Endangered Species Act.

The United States Fish and Wildlife Service is considering listing the polar bear a threatened species under the Endangered Species Act. This report details the scientists debunking polar bear endangerment fears and features a sampling of the latest peer-reviewed science detailing the natural causes of recent Arctic ice changes.

The U.S. Fish & Wildlife Service estimates that the polar bear population is currently at 20,000 to 25,000 bears, up from as low as 5,000-10,000 bears in the 1950s and 1960s. A 2002 U.S. Geological Survey of wildlife in the Arctic Refuge Coastal Plain noted that the polar bear populations may now be near historic highs.+

Polar bears are affected by climate change in three primary ways and each will play a critical role in their future survival: (1) changes in Arctic sea-ice extent, (2) changes on their prey species, and (3) changes affecting denning. Polar bears are powerful swimmers and they depend on sea ice as staging areas to hunt seals. Because ice is melting faster in the spring and forming later in the fall, the bears are being forced to swim distances they cannot manage and are having a more difficult time finding prey. The risks of drowning and starvation are increasing rapidly as temperatures rise, and for the first time ever, some bears may be turning to cannibalism. Additionally, changes in the snow pack affect polar bear dens, which need to be in deep, soft snow

## Decision Delayed on Whether to list

### Polar Bears as a Threatened Species

Two months after the deadline for a decision on whether the polar bear *Ursus maritimus* should be listed as a threatened species, the U.S. Interior Department still has not made a decision. The U.S. Fish and Wildlife Service had been expected to announce its decision on whether to list the polar bear as threatened under the Endangered Species Act, but it has been stalled. Urged by a critical letter from environmental groups, the agency's inspector general has begun preliminary inquiries into why the decision is taking so long. Meanwhile, the Interior Department held a sale of oil leases in polar bear habitat in early February that could further imperil the bears.

### Chukchi Sea Oil Lease Auction

#### Goes Ahead, Polar Bear Concerns Ignored

The U.S. Interior Department auctioned off oil and gas leases in February 2008 to drill in Alaska's Chukchi Sea, despite opposition from environmentalists and some Democrats in Congress concerned about polar bears.



The Chukchi Sea, off Alaska's northern coast, is prime polar-bear habitat and advocates worry that the already-stressed bear populations will fare even worse in the event of a spill or other exploration-related disruption.

The agency responsible for the ESA listing decision and the agency in charge of offshore oil leases are both part of the Interior

Department. Critics of the Chukchi leases accused the Bush administration of deliberately halting the ESA listing decision until after the oil-lease auction. The Interior Department suggests it just wants to be thorough. Efforts to stop the lease sale have been ineffective so far, though bear advocates sued to force the agency to reassess the effects of oil and gas leasing in the Chukchi Sea.

The Bush administration's sell-off leases for oil and gas drilling in Alaska's polar-bear-harboring Chukchi Sea raised a lot of controversy and a large sum of money. The sale brought in a record \$2.66 billion in bidding, well beyond the \$67 million the feds had expected and budgeted for. Royal Dutch Shell was the big winner, with the highest bid for a single tract. The big loser, the polar bear, awaiting a decision on its endangered status.

Drilling won't commence in the area for at least a decade. Protesters gathered outside the Anchorage library where the sale was being held.

Eskimos in Alaska and Canada argue that the bears are in fact thriving, and that listing them could threaten the livelihoods of subsistence hunters and quell profitable trophy hunts in Canada.

## Miscalculation on Gray Whale Numbers

### Suggested by New Study

Gray whales were taken off of the Endangered Species list in 1994 as some scientists had calculated that a population of about 20,000 whales was normal. In 1999-2000, when some whales began dying, experts believed it was the result of the ocean reaching its natural carrying capacity. They figured that there was just not enough room for more whales, so nature had thinned them.

What was believed to be a thriving gray whale population is now sometimes starving from a dwindling food supply said Stephen Palumbi, a Stanford University marine sciences professor. Global warming is the chief suspect as we reported in the last Save The Whales newsletter.

Dr. Palumbi's study concludes that the original Pacific gray whale population - hundreds of years ago - may have been much higher than originally assumed. The figure of 100,000 whales is closer than the conventional estimates of 20,000 to 30,000 and significantly different.

This conclusion was reached from information learned by examining differences in the DNA of 40 whales. They studied 10 spots on the whales' genetic blueprint. Gene diversity in this group of whales signifies that there had to have been about 100,000 whales centuries ago. If the original number of gray whales was five times higher than originally thought, then the recent problems with the whales look much worse.

Jeff Breiwick is a fisheries biologist who works on the gray whale census for the National Marine Mammal Laboratory in Seattle. He wondered what happened to the 80,000 gray whales for which there is no evidence. He, along with others, have used computer models and historical documents to estimate whale hunting levels since the 1600s.

He figures that the extra whales living and then dying would mean that about three whales a day were being killed for four centuries. He said that the evidence of that mortality is in Asia. The gray whales in his study are eastern Pacific gray whales. Western Pacific gray whales look identical and can only be recognized by genetic tests, he stated.

Palumbi figures that the 100,000 whales from past centuries would include both types of gray whales and the massive decline can be explained by Asian whaling. The western gray whales number only in the hundreds and are on the brink of extinction, he said.

Palumbi believes that getting the gray whales back to 20,000 is a great success story and said, "It's not a success story that's finished yet." If the whales aren't at their natural limit, then something else is harming them and that has to do with a food shortage and global warming. The gray whales' diet relies on large number of crustaceans that live in the Arctic region, and that food supply may have been diminished because of warmer waters.

National Marine Fisheries Services whale expert Stephen Swartz is also investigating the problem of starving grays, and believes it may be connected to global warming. Consideration must be given as to whether protection for gray whales should be increased.

## San Francisco Bay Oil Spill (continued from page 4)

The government is seeking unspecified damages to compensate taxpayers for the response to the spill which are not known at this time. The defendants are accused of fault, negligence and breach of federal safety and operating regulations.+

### What Can be Done to Avoid Future Oil Spills

Fragile wetlands and coastlands were damaged by the spill, more than 2,700 birds were injured or killed, and vital sectors of the San Francisco Bay Area economy were effected for weeks. There are many unanswered questions, and it is well-known that the initial response to the spill was delayed, creating a domino effect on several levels.

People want to know why this happened, and how it can be prevented from ever happening again. To avoid future catastrophes, CA Assembly-member Loni Hancock, chair of the Assembly Natural Resources Committee, will introduce legislation to enable effective and immediate local responses to spills in shoreline communities.

“The legislation would create local teams of disaster-trained volunteers, available immediately when a spill is reported.

“The bill would require the Office of Oil Spill Prevention and Response to supply certified local responders with enough equipment to allow them to adequately clean-up any oil spills.

“Another bill would create more rigorous standards for ships with large fuel loads in California ports, and increase the funding available for oil spill clean-up and prevention.

“The Committee will also consider other important bills that will increase the oversight standards of spill response companies, which are private companies, and increase tugboat escort for ships with large petroleum cargoes to decrease the chance of accidents.

“A long-term monitoring program in the San Francisco Bay will be established to measure the environmental health impacts of the spill, and look into curbing the use of bunker fuel to reduce air and water pollution.

“The Governor is being asked to establish an independent Blue Ribbon Commission to review the oil spill and recommend additional action.

### South Korea Spill Oil

In early December 2007, oil from a damaged supertanker reached an ecologically sensitive shoreline on S. Korea's western coast, an area of coastline approximately 95 miles southwest of Seoul. The popular region is known for its scenic beaches and is also the site of fish farms, a national maritime park, and an important rest stop for migrating birds.

The South Korea Coast Guard sent dozens of ships to try and contain the spill and prevent it reaching the sensitive shoreline. However, strong winds and prevailing currents spread the oil to an area about one mile wide and ten miles long. They were also dispatching 102 vessels and six helicopters to help in cleanup efforts.

The tanker, the *Hebel Spirit* was at anchor and carrying about 260,000 tons of crude oil which was to be loaded into boats from a nearby port. It was hit by a barge being towed by a small tugboat. Neither vessel was in danger of sinking and there were no casualties. The loss of birds and animals was not reported. A photo showed a beach covered in crude oil.

## Orca Lolita May Gain Freedom

Lolita, originally named *Tokitae*, is the last surviving orca from members of the Southern Resident community that were captured in Puget Sound and delivered for display at aquaria between 1965 and 1973. Thirteen of these orcas were killed in the capture process. Though she is considered a young adult, Lolita is the oldest whale in captivity and has been held at Seaquarium, Miami, since 1970 when she was four years old. Lolita is a member of the L-pod and she employs the same vocalizations that her family uses today. She is the only orca still living from the 50+ captured orcas. Each orca pod has its own distinct vocalizations. Sounds of her family pod were played to her in 1995 as shown on *Date-line NBC*. “She literally leaned over so her ear was as close as she could get it,+states Howard Garrett who heads up the Bring Lolita Home Project.



Originally, Lolita had company in her small tank, a small male named Hugo. He had been taken from the same family as Lolita. The duo performed together for ten years as the star attraction at Seaquarium. As Hugo matured and got larger, many believed that he was too large for his tank. He repeatedly bashed his head against walls and windows and ultimately died of a brain aneurysm in 1980.

In November 2007, Garrett received a call from Raul Julia-Levy, the son of actor Raul Julia. He wanted to help free Lolita and he had persuaded many Hollywood celebrities to join the effort. They formulated a plan for Lolita's return and rehabilitation to the Puget Sound area.

For years, the Project's goal has been to move Lolita from her small and dismal living conditions. Their plan is to relocate her to a rehabilitation/retirement facility in an ocean water sea pen in Puget Sound off Washington State where she could retire from show business, while still receiving the care of humans. Now the goal is receiving worldwide attention.

The Bring Lolita Home Project states that socially, biologically and logistically, Lolita is capable of gradual reintroduction to her pod. Their plan, [Draft Proposal for Retiring the Orca Known as Lolita to her Native Habitat in the Pacific Northwest](#), may be viewed at [www.orcanetwork.org](http://www.orcanetwork.org)

### Poetry Entries Date Extended to April 30, 2008

We have been receiving many fine entries for poems. They have come from children in the U.S., U.K. and Australia.

Patrice Vecchione, a poetry teacher and editor in Monterey, CA is assisting us, and gives these suggestions: After you've written your poem, read it over to yourself, be sure it feels right, sounds right. Then put it away for a day or two. When you read it again you may want to make changes. You may notice you left something out that you'd thought was there. Now rewrite it and make sure to spell the words correctly. Check your grammar and punctuation. Rules for writing a poem may be found on our website. [www.savethewhales.org](http://www.savethewhales.org)



The Japanese plan to dispatch its whaling fleet to the southern Pacific off Antarctica would have been the first major hunt of humpback whales since the 1960s.

At a meeting in London this March, Australia pressured the International Whaling Commission (IWC) to emphasize conservation in an effort to halt Japan's continuing whaling program. This is the Intersessional Meeting, and the regular yearly meeting will be held June 1 to 27, 2008 in Santiago, Chile

A closed three-day meeting was held in an attempt to build trust between pro. and anti-whaling countries. Australia and Japan are in conflict over Japan's whaling activities in the Antarctic and a mediator has been brought in to set out a process for countries to resolve conflicts. Australia used the meeting to present its plan to end Japan's scientific whaling program and transform the IWC into a whale conservation organization.

Anti-whaling protestors carried posters stating "Save The Whales."

### Founders of Save The Whales Nominated for JUSTICE AND PEACE AWARD

The founders of Save The Whales, two Maris Sidensteckers, mother and daughter, were nominated for the Paula B. Wainwright Justice and Peace Award. The annual award is presented by the Carmel Valley Women's Network, Carmel Valley, CA. Maris I and Maris II have worked together for 30 years to save marine life. They were honored to be part of the dinner ceremony in Carmel Valley on December 7, 2007 where video interviews of the nominees were played, and the winners announced.

### Songs to Heal Our Planet

Save The Whales has completed recording its CD, *Songs To Heal Our Planet, Songs for Children, Sung by Children*. Post-production work is being completed, such as editing and adding instrumentation. The next step will be design of a CD cover and the manufacture of the CDs. This production began with a suggestion last June and rehearsals started in September 2007. It would not have been possible without the composer, Joan Cobb Hopkins,



soloist Maggy May Trout; guitarist, Pat Clark; recording engineer, Richard Bryant, and the children of the Beluga Chorus: Madeleine Baumann, Charlotte Chuen, Sophia Chuen, Suraya Essi, Kaila Nasrallah, Shaqira Robinson, Jasmine Mason, and Casey Thomas. Peter Mellinger, age 12, plays a violin solo on *Our Precious Water*. Two songs were written by children: Mary Elizabeth Moore wrote words and music to *Condor, Condor* at age 11, and Victor Tucker wrote the words to *Chubby Whale* at age 8. A bonus feature is *Ocean Spirit* by John Villa from his CD, *Rhythms of Breath*.

Save The Whales is very grateful to everyone involved including the parents who ferried their children to the numerous rehearsals.

Save The Whales [www.savethewhales.org](http://www.savethewhales.org)  
A 501(c)(3) corporation  
1192 Waring Street, Seaside, CA 93955  
Editor: Maris Sidenstecker I  
Email: [maris@savethewhales.org](mailto:maris@savethewhales.org)  
Phone: 1-831-899-9957 Fax: 1-831-394-5555  
Fall/Winter 2008

## Dead Whales Off of Southern California Coast

In September 2007, The Marine Mammal Center (Marin County, CA) Frances Gulland, D.V.M., a leading expert on cetacean medicine, assisted with the examination of a dead blue whale that had washed ashore in Ventura County, CA. The blue whale she studied, at 72 feet long and an estimated 158,000 lbs, was a spectacular specimen of the largest mammal species on the planet.

After climbing atop the whale and examining its injuries, a team from the Santa Barbara Museum of Natural History, the Channel Islands Marine Wildlife Institute, and Dr. Gulland determined that the whale had most likely been struck by a ship, based on a large bruise she discovered under the blubber. Once hunted to near extinction, a practice which was banned by The International Whaling Commission in the 1960s, the blue whale population now remains at only 1% of its original numbers and is on the endangered species list. The whale's skull will be transferred to the Natural History Museum in Santa Barbara for education purposes.

Dr. Gulland assisted a veterinarian from Sea World and a team from The Santa Barbara Museum of Natural History in performing a necropsy on another blue whale that stranded in So. California. The examination of this whale revealed that it was also the victim of a ship strike. Dr. Gulland reports that it was a 66 foot male with massive fractures, a hemorrhage along its left side, and a broken back. The whale's death marks a string of blue whale deaths within 13 days, and according to Dr. Gulland, may be an indicator of an unusual mortality event. Scientists are now studying a hypothesis that the whales may have become disoriented by an illness or toxic algae, preventing their effective response to approaching vessels.

Of the three blue whales that floated ashore in So. California within two weeks, two were believed to have been struck by ships. It is not known yet if this latest carcass suffered a similar fate. Dr. Gulland and other biologists plan on examining the third whale to determine if it may have been disoriented by some sort of illness. The appearance of these three whale carcasses within such a short time period and within the same geographic region is highly unusual and may be an indicator of an unusual mortality event. According to the Santa Barbara Museum Natural History website, since 1980 only six blue whales have stranded in this area.

### Manatee Not Downlisted from Endangered to Threatened

The Florida Fish and Wildlife Conservation Commission (FWC) adopted the first manatee management plan to help foster a viable population in December 2007. This is encouraging news.

This decision by the FWC not to downlist the manatee from endangered to threatened status is commendable. It remains to be determined if the FWC will re-evaluate criteria that are used to list wildlife populations. This reassessment is needed now more than ever.

Florida manatees are in serious peril due to human impacts. Last year there were 416 manatee deaths in Florida - a record - with most due to watercraft. The manatees that Maris Sidenstecker II, marine biologist and co-founder of Save The Whales, viewed in Florida on New Year's Day 2008, bore evidence of boat strikes. See [www.savethewhales.org/MarineMammalSpecies/Manatees](http://www.savethewhales.org/MarineMammalSpecies/Manatees).

# Sing to Save The Whales

## May 15, 2008



Schools, ecology clubs, singing clubs, church group organizations and individuals are invited to participate in the **Fifth Annual Sing For Save The Whales Day, Thursday, May 15, 2008**. The goal is to raise global awareness as officials and citizens listen to children raising their voices in song around the world to bring global awareness to protecting the oceans and saving the whales for future generations.

The moving "Save The Whales" song was created by Joan Cobb, a writer and music teacher. It inspired Russian pianist Yury Rahubin to have children from around the world sing as a plea for the whales. The song may be heard on our website in a heartfelt performance by then 11-year-old MaggyMay Trout at [www.savethewhales.org](http://www.savethewhales.org). You can listen and sing along with either high speed or dial up. MaggyMay is now 15 and just completed her solo work on the CD *Songs to Heal The Planet.* (See page 9.)

*Marine mammals need your help. Whales are being killed by habitat degradation, overfishing, ship strikes and outright slaughter. Last year, the baiji, a Chinese river dolphin, was declared extinct and the cause is the degradation of its habitat and food sources.*

Please participate and urge others to do the same. Then fill in the requested information on our Guestbook form. Your name will appear as a participant under View Guestbook.

Save The Whales  
A Nonprofit Organization  
1192 Waring Street  
Seaside, CA 93955  
[www.savethewhales.org](http://www.savethewhales.org)

