

## Critical Habitat Proposed for Rare North Pacific Right Whales

**SAN FRANCISCO, California**, November 2, 2005 (ENS) –

NOAA Fisheries is proposing to protect 36,750 square miles of critical habitat in the Bering Sea and the Gulf of Alaska for one of the world's rarest whales - the North Pacific Right Whale. But even after decades of legal and illegal whaling that nearly wiped out the species, it took a court order to get habitat protection.

In a ruling dated June 14, 2005, federal Judge William Alsup in the Northern District of California ordered the NOAA Fisheries to either propose designation of an area in the North Pacific ocean as critical habitat for right whales under the Endangered Species Act or explain why such designation should not occur due to "more paramount statutory considerations."

NOAA Fisheries, also known as the National Marine Fisheries Service, met the judge's October 28 deadline by announcing that it proposes to revise the critical habitat for endangered northern right whales, *Eubalaena glacialis*, in the Gulf of Alaska and the Bering Sea.

**North Pacific Right Whales like this one have been seen in summer in the Gulf of Alaska and the Bering Sea.** (Photo courtesy Center for Biological Diversity)

In the western North Pacific, the Sea of Okhotsk and adjacent areas, current abundance is unknown, but NOAA Fisheries cites estimates in the "low to mid-hundreds." Oil development is ongoing in that area.

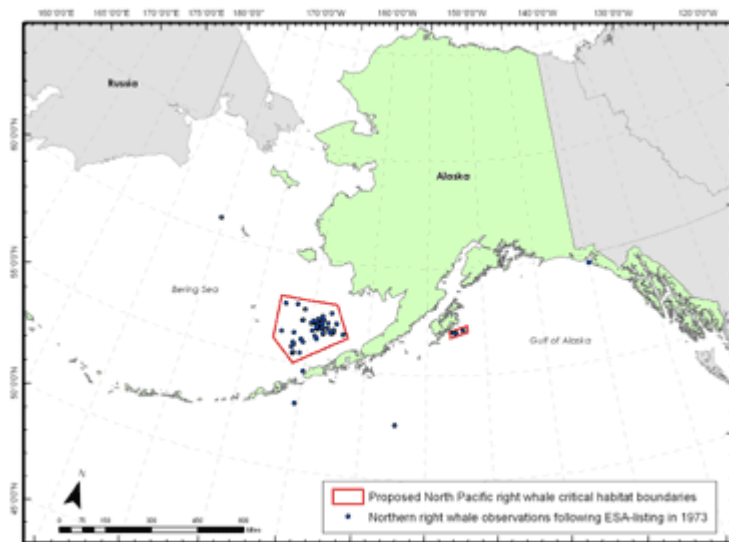
There is no estimate of abundance for the eastern North Pacific - the Bering Sea, Aleutian Islands and Gulf of Alaska. NOAA Fisheries says "sightings are rare; most biologists believe the current population is unlikely to exceed 100 individuals, and is probably much smaller."



Their cousins, the North Atlantic Right Whales, number an estimated 300 individuals, threatened by ship strikes, gear entanglement, habitat degradation, and ocean noise.

Right whales are large baleen whales that grow to lengths of 18 meters (59 feet) and weights of 100 tons. They are filter feeders whose prey consists exclusively of tiny creatures called zooplankton. Sexually mature by age 10, females produce a single calf at intervals of three to five years. Some right whales have been known to reach 70 years of age.

In the North Pacific, their feeding range is known to include the Gulf of Alaska, the Aleutian Islands, the Bering Sea and the Sea of Okhotsk. These whales are known to migrate between summer feeding grounds in temperate latitudes and winter calving areas in warmer waters, although the location of their calving grounds remains completely unknown.



Proposed critical habitat for Northern right whales in the North Pacific.

NOAA Fisheries scientists believe the two areas proposed as critical habitat, covering a total of 36,750 square miles, are essential to northern right whale recovery in the Pacific Ocean.

**The proposed critical habitat boundaries are outlined in red.** (Map courtesy [NOAA Fisheries](#))

"Today's announcement is a victory for science, for right whales, and for everyone who wants to be a good neighbor to these imperiled whales," said Brent Plater, author of the original petition to protect right whale habitats in the Bering Sea and an attorney in the case to protect the right whale's habitats.

"But if Congress moves forward with its attempt to gut the Endangered Species Act, the right whale's recovery in the Bering Sea will be jeopardized no matter how good these habitat protections prove to be," Plater said.

The effectiveness of critical habitat protection as a means of species conservation is a hot topic of contention. Plater and most conservationists say the Endangered Species Act recognizes that one of the most effective ways to protect imperiled species is to protect the places they live, their habitat.

The Endangered Species Act is a federal law that gives a safety net to fish, wildlife, and plants that are on the brink of extinction. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service share responsibility for administering this law, which requires the designation of critical habitat for endangered species.

But the U.S. Fish and Wildlife Service uses standard disclaimer language in all its press statements about critical habitat.

"In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits," the disclaimer reads.

Further eroding the critical habitat designation, the House this session passed a bill authored by House Resources Chairman Richard Pombo of California, a Republican, that would remove the critical habitat provisions of the Endangered Species Act and compensate landowners for activities they undertake to conserve endangered and threatened species.

But Plater and other conservationists point to scientific reports confirming that species with their critical habitats protected are twice as likely to recover as those species without that protection.

The North Pacific Right Whale is so rare that in the 1980s the sighting of a single individual was deemed worthy of publication in scientific journals.

Plater says that beginning in 1996 scientists began to see a congregation of right whales annually in the Bering Sea, and in 2004 scientists found more right whales in this area than were found in the previous five years.



**North Pacific Right whales can grow to 100 tons and live to 70 years of age.** (Photo courtesy [International Whaling Commission](#))

In view of these sightings, in 2000 the Center for Biological Diversity formally requested that the National Marine Fisheries Service protect the right whale's critical habitat as required by the Endangered Species Act.

But although the species' critical summertime habitats had been found, the agency refused to protect any habitat for the whale.

The Center then requested that NMFS reconsider its determination, but the agency never responded to any of the Center's requests. Plater said that by late 2004 the Center believed it was left with no choice but to initiate legal action to insure that the North Pacific Right Whale's recovery was not impeded.

"The right whale was nearly hunted to extinction, and so it is our shared responsibility to insure that this species survives," said Plater. "We owe it to future generations to protect this special creature, and one of the most effective ways to do that is to protect the places the whales call home."

The agency will accept public comment on the critical habitat proposal until January 31, 2006. A final rule is required by June 30, 2006.

The proposed rule, maps, stock assessments, and other materials relating to this proposal can be found on the NMFS Alaska Region website at: <http://www.fakr.noaa.gov/>.

For further information from NOAA Fisheries contact: Brad Smith, (907) 271-3023, or Marta Nammack, (301) 713-1401.

Comments are welcome through January 31, 2006. Send comments to Kaja Brix, assistant regional administrator, Protected Resources Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by:

- E-mail: [0648-AT84-NPRWCH@noaa.gov](mailto:0648-AT84-NPRWCH@noaa.gov). Include in the subject line the following document identifier: Right Whale Critical Habitat PR. E-mail comments, with or without attachments, are limited to 5 megabytes.
- Webform at the Federal eRulemaking portal: [www.regulations.gov](http://www.regulations.gov). Follow the instructions at that site for submitting comments.
- Mail: P.O. Box 21668, Juneau, Alaska 99802
- Hand delivery to the Federal Building: 709 W. 9th Street, Juneau, Alaska
- Fax: 907-586-7012

For decades scientists thought the North Pacific and the North Atlantic Right Whales were the same species, just different populations. But in a dozen scientific studies from 1985 to 2000, scientists used genetic evidence to prove that the Pacific population of the Northern right whale is, in fact, a separate species, *Eubalaena japonica*, the North Pacific Right Whale.

On April 2, 2003, William Hogarth, then NMFS assistant administrator for fisheries, issued a rule officially recognizing the two distinct species.

Research is valuable, but it may have a detrimental effect on the whales and their environment. NOAA Fisheries October 20 announced its intention to prepare an Environmental Impact Statement (EIS) to analyze the environmental impacts of issuing research permits on the endangered right whales in the North Atlantic

and North Pacific.

**Artist's conception of a North Pacific Right Whale** (Image courtesy NOAA Fisheries)

Major environmental issues that will be addressed in the EIS include the need for species conservation and the cumulative impacts of research activities on right whales and the environment.

Types of whale research activities that might be permitted will also be addressed, including temporal and geographic extent of activities, sample sizes and frequency of sampling, and standardized protocols and mitigation measures.



As the first step in the EIS process, NOAA Fisheries will host a series of public scoping meetings to consider the research EIS.

NOAA Fisheries invites the public, including permit holders, researchers and scientists, elected officials, regulatory agencies, environmental groups, and other interested individuals, to attend the scoping meetings and to provide input on the range of actions, alternatives, and impacts that should be considered in the EIS.

Comments are welcome by January 31, 2006 by email to: [rweis.comments@noaa.gov](mailto:rweis.comments@noaa.gov), or by fax to: 301-427-2582. By postal mail contact: Mr. Steve Leathery, Office of Protected Resources, Permits, Conservation, and Education Division (F/PR1), National Marine Fisheries Service, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Scoping Meetings will be held at:

New Bedford, Massachusetts  
11/3/2005  
3:00-6:00 pm  
New Bedford Whaling Museum, Auditorium  
18 Johnny Cake Hill

San Diego, California  
12/10/2005  
6:30-9:30 pm  
Manchester Grand Hyatt, Elizabeth A  
One Market Place

Silver Spring, Maryland  
1/19/2006  
1:00-4:00 pm  
NOAA Science Center (SSMC IV)  
1301 East-West Hwy