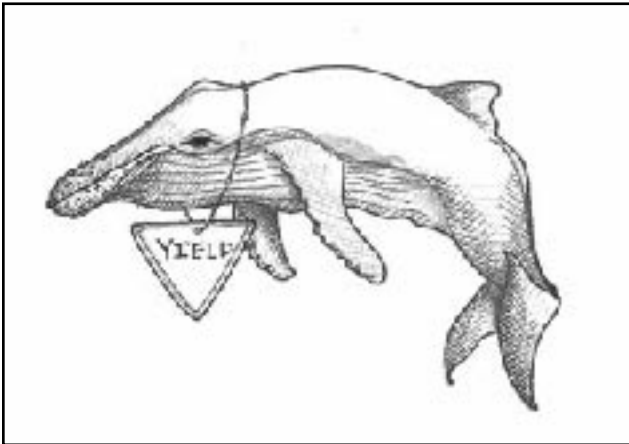


## WHALE, WATCH OUT!

In the past two years, three whales have been struck and killed by cargo ships in the Santa Barbara Channel—and also one in the Port of Long Beach. A look at one environmental organization's fight to force freighters to slow down

By Diana Bosetti



It's whale-watching season, and as Michelle Sousa looked over the side of a boat floating seven miles off the Long Beach coast, she was downright giddy about what she was seeing.

“Oooh, look!” exclaimed Sousa as she ogled a group of finback whales, which had just interrupted an uneventful hour at sea. “They’re flirting with each other!”

People on these whale-watching tours tend to get a little anthropomorphic—that is, to lend human traits to non-humans—but Sousa's come-hither interpretation of the finbacks' behavior was grounded in science. She's a senior biologist with the Aquarium of the Pacific.

Sousa explained that when the finback whale rolled to her side and showed off the baleen—that is, the inside of her mouth—it was the equivalent of a girl flipping her hair and flashing a smile after a couple of beers. Well, she didn't put it exactly that way. But she did add that it is unusual for finbacks, which are typically loners, to travel in a group for long periods of time—again, suggesting there were ulterior motives at play.

For all this unfettered courtship, however, the migration of whales through local waters is a very dangerous proposition. All kinds of hazards lurk along their journey through an urban coastline. For example, as this female lay seductively on her side, her mouth open, she nearly sucked in a quart-size plastic oil container.

But one of the whales' biggest problems—cargo-ship big—was represented by a huge Yang Ming freighter passing nearby. It's one of 7,000 such monstrous vessels that visit the ports of Long Beach, Los Angeles and Hueneme every year. Inevitably,

one or another of them runs into a whale.

As huge as these animals are—the largest weigh 150 tons—they are no match for the behemoth ships, which churn through the water at speeds up to 30 knots (25 mph). When there's a collision, the whales often end up as waterway road kill.

Last year, three blue whales were struck and killed by cargo ships near Santa Barbara. This season, a finback whale has already died off the coast of Long Beach. A vessel from the COSCO fleet collided with it last October, and the captain didn't even know until he chugged into port. You remember the photo in the Press-Telegram—the majestic animal draped limply over the bow of the ship like a grotesque figurehead. It added a sad category to the concept of whale-watching.

While it was a horrible sight, the impaled whale served the purpose of attracting attention to a tragedy that usually occurs out of view. Many fatal collisions between ships and whales are not reported, often because the perpetrators aren't even aware of them. The whales are hit, they die and are left to drift at sea until their stinky carcasses wash onto a beach or are eaten by scavengers.

The very public death of this animal contributed evidence in support of an escalating movement that hopes to make gigantic freighters slow down when they cross the paths of migrating whales.

That effort will arrive in United States District Court on March 6, when Judge Maxine Chesney will hear a lawsuit brought by an environmental group asking that large vessels crossing Southern California's offshore channel observe a speed limit of 10 mph.

Ships have been crashing into whales for a long time, and Captain Ahab's problem with *Moby Dick* notwithstanding, the whales usually end up on the dead end of the equation.

An article in a 2001 issue of *Marine Mammal Science* rather dryly described such collisions as “a recognized source of whale mortality.” After lamenting the lack of data on the issue, it pored through historical records and computerized stranding databases for some evidence of its own.

“Historical records suggest that ship strikes fatal to whales first occurred late in the 1800s as ships began to reach speeds of 13-15 kn[ots; 15-17 mph], remained infrequent until about 1950, and then increased during the 1950s-1970s as the number and speed of ships increased,” the journal reported. “Of the 11 species known to be hit by ships, fin whales (*Balaenoptera physalus*) are struck most frequently [and] right whales (*Eubalaena glacialis* and *E. australis*), humpback whales (*Megaptera novaeangliae*), sperm whales (*Physeter catodon*) and gray whales (*Eschrichtius robustus*) are hit commonly. In some areas, one-third of all fin whale and right whale strandings appear to involve ship strikes.”

To get a sense of which ships are most at fault—and why—the *Marine Mammal Science* researchers compiled descriptions of 58 collisions. The results?

“They indicate that all sizes and types of vessels can hit whales,” the scientists reported. “Most lethal or severe injuries are caused by ships 80 m[eters] or longer. Whales usually are not seen beforehand or are seen too late to be avoided. And most lethal or severe injuries involve ships traveling 14 kn or faster.”

The journal emphasized that “ship strikes can significantly affect small populations of whales, such as northern right whales in the western North Atlantic.”

As for a solution?

“In areas where special caution is needed to avoid such events,” said the journal, “measures to reduce the vessel speed below 14 knots [16 mph] may be beneficial.”

Back on the whale-watching boat, there was a lot to see. In a single week, Aquarium of the Pacific scientists spotted and recorded about 35 whales and 700 dolphins during twice-daily excursions on Harbor Breeze Cruises. And earlier this month,

a female gray whale and her calf were spotted and photographed by Aquarium personnel—a rarity, since the point of gray whales' southward journey is to mate and calve in the lagoons of Mexico.

Sousa explained that the grays are commuting further than ever these days.

“They are having to go further north [in the Arctic] to get food,” she said. “Because their gestation is limited, they are giving birth during their migration.”

As for the flirty finbacks that got Sousa so excited? Usually, they're not here at all during this time of year. Typically, they're gone in September and don't pass through again until early summer.

Even the blue whales, which also historically arrive in the summer, stayed longer last year. Throw in the minke, humpback, sperm whales—and the hungry orca killer whales, which make life miserably tenuous for the other breeds—and the local waters constitute a super-sized seafood medley.

In fact, Southern California's so-called whale-watching season—commonly considered to be the few months in winter when gray whales pass southward—actually is going back and forth off our coast all year round.

Hard to believe, but despite all the pollutants, litter and fishing nets, the local waters are abundant with plankton—so much that the whales may be lingering a little longer than usual to eat and remain closer to the water's surface.

That may delight human voyeurs, but it also keeps placing them in the crisscrossing paths of one of the busiest shipping lanes in the world.

Four reported dead whales in two years across the Santa Barbara Channel—an area approximately 80 miles long and 30 miles wide, including Long Beach—may not be a staggering number, but it is significant for a protected species. Especially since the deaths are likely preventable, if the cargo ships would simply slow down.

At the Port of Long Beach, which occupies 3,200 acres of land with 25 miles of waterfront, many ships are already going slower—at least when they arrive, anyway. The Green Flag program instituted last year asks ships to observe a speed limit of 12 knots (just under 14 mph) when they are within 20 nautical miles of the port. The request was recently expanded to 40 nautical miles. In exchange, vessels receive a reduction in docking rates.

But the Green Flag program is voluntary, and it was not designed with whales in mind. Instead, the idea was to reduce the air pollution emanating from ships when their engines run faster. Nonetheless, a reported 83 percent of the ships that arrived at the Port of Long Beach in 2008 came in more slowly.

Has the Green Flag program saved any whales? Nobody's studied it.

“There's no way to really evaluate its effectiveness on ship strikes,” said Chris Yates, a spokesman for the Southern California branch of the National Marine Fisheries Service.

Meanwhile, 17 percent of thousands of ships still aren't slowing down when they arrive in Long Beach—and none of the ships bound for the Port of Los Angeles, which is located right next door, are offered financial incentives to reduce their speed.

Put most simply, the Center for Biological Diversity (CBD) is a nonprofit environmental organization—headquartered in Tucson, Ariz., with offices in nine states and Washington, D.C.—dedicated to the proposition that all living things are interconnected, including human beings.

“We believe that the welfare of human beings is deeply linked to nature—to the existence in our world of a vast diversity of wild animals and plants,” the CBD proclaims in its mission statement, posted on its Web site ([biologicaldiversity.org](http://biologicaldiversity.org)). “. . . [W]e work to secure a future for all species, great and small, hovering on the brink of extinction. We do so through science, law, and creative media, with a focus on protecting the lands, waters, and climate that species need to survive.”

Last June 18, the CBD took that fight to the federal courts, filing a lawsuit seeking to force the U.S. Coast Guard to reduce the speed of large ships off the California coast so as to protect endangered whales. Without this lowered speed limit, the CBD contends that the Coast Guard is not in compliance with the Endangered Species Act. CBD has also petitioned the National Marine Fisheries Service, which is charged with enforcing the Endangered Species Act, to assert its authority over the Coast Guard on this matter.

“Under the Endangered Species Act, the Coast Guard must consult with the Marine Fisheries Service,” stated a recent CBD press release. “However, the Coast Guard has not taken this basic step.”

Not in California. But last year on the east coast, the Marine Fisheries Service pressed the Coast Guard to decrease speed limits for ships to protect the critically endangered North Atlantic right whale.

Why the difference? Lt. Jeff Bray, an environmental law attorney for the Coast Guard, said he couldn't comment on the case—though he was downright apologetic about it. “I know that's not what anyone wants to hear,” he said, “but until there's some sort of resolution, either through a settlement or in court, I really can't comment. I'm sorry.”

That leaves the disagreement on its way to the court of Judge Maxine M. Chesney—a 67-year-old San Francisco-born-and-raised jurist appointed to the bench in 1995 by President Bill Clinton. The hearing was originally scheduled for Jan. 23, but a couple days before, Chesney bumped it back to March 6, asking for more information from the attorneys. Make of that what you will.

When a cargo ship decreases speed miles away from its port, it increases expenses—the old time-equals-money equation. Multiply that one cargo ship times the thousands that make the ports of Long Beach and Los Angeles among the busiest in the world, factor in the length and breadth of the Santa Barbara Channel, and nobody denies that balancing the protection of whales with the promotion of commerce is a complex call.

“[The Santa Barbara Channel] is obviously a very long passage,” lamented Yates. “It would be unreasonable to expect ships to slow down for extended periods of time, across great distances.”

Instead, Yates said the Marine Fisheries Service has tried to “actively engage all the various stake holders,” including environmental groups and Southern California ports, to work together on the issue. He's hopeful that the shipping industry will voluntarily develop ways to coexist with whales, by using a combination of technologies—such as electromagnetic waves (sonar), thermal imaging and even old-fashioned lookouts (like on the Titanic).

But every potential solution has its problems. For example, sonar waves tend to alarm blue whales, causing them to rise to the surface, thus making them more prone to collisions with ships. “There's really no silver-bullet technology at this point to decrease ship strikes,” Yates said.

“The judge's questions could certainly determine the direction this case might go,” said Andrea Treece, senior attorney for the CBD. “Meanwhile, there are whales moving through the area year-round, an area which is rich in plankton. And these ships are in their dining room.”

## EPILOGUE

When it comes to concern for Earth's creatures, people are often moved in strange ways.

Consider the public reaction to the death of a pit bull at the Long Beach animal shelter more than a year ago: Over 500 comments poured into The District Weekly Web site. No other story has ever matched that fervor.

Several years ago, when a baby fin beached itself in Marina del Rey, volunteers arrived in droves to lend a helping hand. Peter Wallerstein, founder of Playa del Rey-based Marine Animal Rescue, blogged on the Friends of Animals Web site that over a dozen Los Angeles Police Department officers entered the water in full gear and knelt down to help lift the whale onto a stretcher. Among others who rushed over to offer more muscle were two attorneys who had been bike riding and a man who had just scattered his dad's ashes. Nearby, a little boy stood clutching a stuffed whale (or dolphin, Wallerstein wasn't

exactly sure)—”helping in his way,” he wrote.

According to Aquarium of the Pacific spokeswoman Marilyn Padilla, there have been similar responses to its call for street cleanups—intended to prevent trash from traveling into the ocean—although the efforts evoke shock in some neighborhoods. “We’ve had people ask us if we did something wrong and were being forced to do community work as punishment,” she laughed.

The next neighborhood cleanup is scheduled for Saturday, Feb. 7. In exchange for a bag of trash collected at the site, each person will receive a free ticket to the Aquarium of the Pacific. Bags, gloves, refreshments “and a spirit of camaraderie” will be provided, said Padilla.

Meanwhile, there are those whale-watching tours—offered daily at noon and 3 p.m.—that include entry to the Aquarium, which is featuring a whale-related exhibit (“Whales: Voices in the Sea”) and film (Whales: A Journey with Giants).

And if you’re worried about the possibility of your whale-watching boat colliding with a whale, well, don’t . . . very much. Because you’ll be whale-watching.

“Of all the marine vessels, whale-watch tours are actively looking for marine life,” says Alicia Archer, the aquarium’s boat program coordinator, “making it less likely for collisions to occur.”