

Protection ordered for Pacific right whales

ANCHORAGE, Alaska (Reuters) -- A federal judge has ordered the U.S. government to draw up plans to protect North Pacific right whales, thought to have been extinct until they were rediscovered in the Bering Sea three years ago.

U.S. District Court Judge William Alsup in San Francisco ordered the National Marine Fisheries Service, or NMFS, in a ruling late on Wednesday to designate critical habitat zones off Alaska for the whales, areas where special protections will be enforced.

The agency's failure until now to do so violated the Endangered Species Act, Alsup said in his ruling.

The Center for Biological Diversity had sued last year to establish critical habitat protections for Pacific right whales, the most endangered of all large whales.

"I think the Bush administration's game of just delaying and causing gridlock before enforcing the Endangered Species Act has been exposed by the court," said Brent

Plater, staff attorney for the group, "You can't just sit on your hands and watch this species go extinct."

The slow-moving whales, which are so fat that they float when dead, were described by Eighteenth-century whalers as the "right whales" to hunt. Right whales were nearly wiped out by illegal whaling conducted after a 1931 treaty banned the hunt.

Right whales were considered extinct until 2002, when a whale calf was spotted, followed by the sighting last year of a group of 25 whales in the Bering Sea, including three mother-calf pairs.

Alsup criticized the administration and Congress for not acting sooner, and ordered the Fisheries Service to come up with a proposal for critical habitat protections by October, or issue a detailed justification for why those cannot be established. The critical habitat proposal must be finalized by June 30, 2006, Alsup said.

The agency, which said it was

evaluating the judge's order and how to comply with it, have been heartened to learn that the whales appear to be resilient.

"But because the population of northern right whales is small and because they travel a long way, not much is known about their critical habitat," said NMFS spokeswoman Sheela McLean.

Protective habitat zones are already established in the North Atlantic, where a right whale population of about 350 resides. Major threats to those Atlantic whales are strikes by vessels and entangling fishing gear, Plater said.

The Pacific Fishery Management Council also voted this week to ban bottom trawling fishing across large areas of the Pacific Ocean.