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Killer whales need protected space – lawsuit looms against the current administration’s failure to act

By Candace Calloway Whiting on June 6, 2018 at 11:14 AM

SEATTLE— The Center for Biological Diversity filed a legal notice today pressing the Trump administration to protect ocean habitat off California, Oregon and Washington to save the last remaining Southern Resident killer whales.

Today’s notice points out that the administration has unlawfully delayed critical habitat designations sought by the Center in a 2014 petition under the Endangered Species Act.

Endangered Southern Residents live along the Pacific Coast and are starving for lack of their preferred prey, spring chinook salmon. Other threats to these orcas’ survival include oil spills, water pollution and vessel noise.

“These iconic orcas are going extinct, but the Trump administration has proposed oil leases rather than protections for their habitat,” said Catherine Kilduff, an attorney and marine scientist at the Center. “The Southern Residents desperately need protected foraging areas full of salmon to feed them through the winter. Without swift federal action, these whales will continue their steep slide to extinction.”

The threat of legal action comes just a week after the U.S. Marine Mammal Commission met in Seattle. Experts there warned of the crisis facing Southern Residents with a steep population decline to only 76 whales and few calves born. There were calls for urgent action, including habitat protections, to prevent their extinction.

Responding to the Center’s petition in 2015, the National Marine Fisheries Service said it would expand habitat protections in 2017 to safeguard key foraging and migration areas off the West Coast. Yet the Trump administration has failed to act, despite broad public support.

“These incredible orcas should not become victims of the Trump administration’s policy of blocking science-based protections for the environment,” said Kilduff. “With extinction right around the corner, Southern Residents can’t afford to wait for help.”

While spending their summers in Puget Sound and the Salish Sea, areas protected as critical habitat in 2006, these killer whales travel extensively along the West Coast during the winter and early spring, congregating near coastal rivers to feed on migrating salmon. The Center petitioned in 2014 to protect areas off the coasts of Washington, Oregon and California as critical habitat (see map).

The death of the two-year-old male orca known as “J52” in 2017 came as the population dipped from 83 in 2016 to only 76 individuals today, the biggest year-to-year decline ever recorded. The death was confirmed by the Center for Whale Research, which reported malnutrition was likely the cause.

Today’s notice, which typically precedes the filing of a lawsuit, outlines how the Fisheries Service’s failure to act on the Center’s 2014 petition violates federal law. The letter asks the agency to propose habitat protections by August 6.