



Ship Strikes

Trump Administration Facing Legal Action Over 'Ship Strikes' Killing Endangered Whales Off California Coast

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Published March 2, 2020

Updated on March 3, 2020

What to Know

1) An environmental advocacy group is vowing to take the federal government to court in order to enact stronger protections for endangered whales and sea turtles against "ship strikes"

2) The potential lawsuit seeks to enact mandatory speed limits for ships traveling just outside the San Francisco Bay and near the coasts of Los Angeles and Long Beach

3) The legal battle comes in the wake of an NBC Bay Area Investigation that revealed a rise in the number of ships hitting and killing whales off the California coast

The Trump administration faces a potential new lawsuit that aims to compel the federal government to enact stronger protections to prevent ships from hitting and killing endangered whales and sea turtles off the California coast.

"We're worried that we could lose these species forever," said Kristen Monsell, an attorney with the Center for Biological Diversity, the environmental advocacy group waging the legal battle against the federal government. "The administration has both a legal and moral obligation to do something about it and stop this tragedy."

Environmental Group Launches Lawsuit

The Center for Biological Diversity, based in Arizona with offices in Oakland and several other U.S. cities and Mexico, took its first major step in filing litigation against the federal government by submitting what is known as a "notice of intent to sue" letter on Monday, which demands the U.S. Coast Guard and National Marine Fisheries Service make changes within 60 days, or defend their actions in a federal court.

The NBC Bay Area Investigative Unit is the first to report on the legal action.

The Center for Biological Diversity argues the Trump administration is violating the Endangered Species Act by failing to adequately protect endangered populations of whales and sea turtles.

At issue are voluntary speed limits enacted by the federal government along shipping lanes that feed into the San Francisco Bay as well as Los Angeles and Long Beach. The Center for Biological Diversity contends those voluntary restrictions do not go far enough and, instead, should be replaced with mandatory speed limits. The environmental group argues that a 2017 report, written during the Trump administration, utilizes flawed and outdated research to wrongly justify the current process for attempting to protect endangered whales and sea turtles off the California coast.

Federal Govt. Accused of Failing to Utilize “Best Available Scientific Data”

The National Marine Fisheries Service “systematically disregarded or failed to properly utilize the best available scientific data,” the group argues in the letter.

“Numerous studies...have consistently found that the voluntary ship speed reduction efforts...are ineffectual.”

Neither the U.S. Coast Guard nor the National Marine Fisheries Service would comment on the potential litigation.

The legal battle comes just one week after the NBC Bay Area Investigative Unit revealed ships are hitting and killing whales off the California coast at some of the highest rates in more than a decade, despite a five-year government initiative that asks vessels to voluntarily slowdown as they make their way into San Francisco Bay.

Ships Ignore Voluntary Speed Limit Most of the Time

The Investigative Unit learned at least 77% of shipping companies that send vessels into the Bay Area are failing to adhere to the suggested 10 knot speed limit just west of the Golden Gate Bridge. In fact, ships sped past the suggested speed limit 54% of the time, according to monitoring by the U.S. Coast Guard.

“The reporting shows that there is no or very little compliance with these voluntary measures and it shows why the federal government needs to implement mandatory measures,” Monsell said. “We don’t let tanker trucks drive on our highways without speed limits. We shouldn’t be letting ships travel through shipping lanes without limits.”

Monsell points to the federal government’s mandatory speed limit program for vessels along the east coast, which was enacted in 2008 and has since been praised by federal agencies and leading environmental groups for helping protect the endangered North Atlantic Right Whale.

“There’s no reason why the West Coast can’t do the same,” she said. “If they can do it on the East Coast, they can do it on the West Coast.”

Shipping Industry Questions Benefits of ‘Mandatory’ Speed Limits

While those in the shipping industry concede a mandatory speed reduction program will result in a higher level of cooperation from ships, some aren’t convinced that the slow down will actually achieve its objective of saving more whales.

“I think it’s a question whether they feel there’s enough supporting science and data to move forward with such a program if they deem that necessary to protect the whales,” said John Berge, Vice President of the Pacific Merchant Shipping Association, which represents shipping companies that send vessels in and out of the San Francisco Bay. Berge spoke to the Investigative Unit back in September as part of our ongoing reporting on ship strikes.

“ How much protection of the whales is that actually going to achieve?” –John Berge, Pacific Merchant Shipping Association “The other question, of course, is how much protection of the whales is that actually going to achieve.”

Shipping companies are legally required to report when whales and (are) hit and killed, however, realizing a ship strike has occurred can be difficult. “The majority of whales that die, in fact, sink and disappear and are never documented,” said John Calambokidis, a research biologist who has been studying whales for more than 30 years. “These ships that strike them are so large that people on board the ship would be unaware they’d even struck it.”

Whale Deaths Could be Significantly Higher Than Govt. Count

As a result, Calambokidis believes the actual number of whale deaths may be 10 or even 20 times higher than what is documented by the federal government.

In 2018, 15 whales were linked to ship strikes off the California coast, according to data obtained from NOAA. That’s compared to just two whale deaths in 2013. Last year, at least 12 whales were hit and killed by ships in California waters, including an endangered blue whale. Just three blue whale deaths in the region can be enough to drastically reduce the population, according to government estimates.

“The [federal government] has emergency authority, under the Endangered Species Act, to take action right now,” said Monsell. “We’re talking about the survival and recovery of these endangered species and we know what will work to save them. We just need the will to implement them.”

