

Advocates sue to protect critically endangered whales

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A coalition of wildlife advocacy groups filed a **lawsuit** today against NOAA Fisheries and Commerce Secretary Wilbur Ross alleging that the government has not done enough to protect the critically endangered North Atlantic right whale.

The lawsuit, filed today in the U.S. District Court for the District of Columbia, occurs after three of the plaintiffs, Whale and Dolphin Conservation, Defenders of Wildlife, and the Center for Biological Diversity, petitioned NOAA in 2012 and 2020 to expand boat speed limits.

The limits were initially created in 2008 to protect the whales on their migration route along the Eastern Seaboard. But the speed limits applied only to vessels 65 feet or longer, and only at certain times of year.

The groups say that's not enough to protect the North Atlantic right whale, especially as warming oceans have shifted the areas where the whales gather beyond the limits' original borders.

"We need to have slowdowns in right whale danger zones just like we have lower speed limits near schools," Jane Davenport, a senior attorney at Defenders of Wildlife, said in a statement. "Last year boat strikes killed a newborn and a six-month-old [whale]. Each of these tragic deaths robs the mother of her baby and the species of its future. It's past time for the Fisheries Service to act on these common-sense speed limits."

NOAA Fisheries estimated there were just 366 individuals of the species alive in January 2019, including 70 breeding females. That number was down from an estimated 383 whales a year prior.

The North Atlantic right whale could go extinct in 10 to 20 years absent intervention, the lawsuit alleges.

The whales are frequently victims of serious boating collisions, which can maim or kill the animal. The North Atlantic Right Whale Consortium said in its annual report card that two whales were killed by collision last year, and several others were seriously injured. Over the last four years, whale deaths have outnumbered births by a ratio of three to two.

The organizations claim NOAA Fisheries violated the Administrative Procedure Act by failing to act on their two petitions, and are asking the court to force the agency to respond.