

CALIFORNIA COASTAL COMMISSION

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DATE: January 14, 2010

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: RESOLUTION REQUESTING THE NATIONAL MARINE FISHERIES
SERVICE TO UNDERTAKE POPULATION ASSESSMENT STUDIES OF
THE CALIFORNIA GRAY WHALE

Note: This information can be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

I. BACKGROUND

The California Gray Whale, *Eschrichtius robustus*, also known as the Eastern North Pacific population of the gray whale, migrates thousands of miles each fall along the coast of North America from Alaska to Baja, California. The whales winter in sheltered lagoons along the west coast of Baja, migrate back north between February and May, and summer in the Bering Sea and Arctic Ocean.

Scientists now estimate that historical populations of the California Gray Whale numbered over 100,000. Commercial whaling in the 1800s and early 1900s reduced those numbers to near extinction. In 1970, with an estimated population of 12,000, the California Gray Whale was listed as endangered under the federal Endangered Species Act. In 1994, the species was de-listed when its population rose to an estimated 23,000 individuals.

While the de-listing was heralded by the administration as a "success story," it was not without controversy. Some cetacean biologists were concerned that the population, while in recovery, was not stable and should be monitored over time to assess its resiliency.

Since that time, numerous indicators support those initial concerns. In 1998-99, an unusually high number of calves were lost in their first year. In 1999-2000, numerous strandings of California Gray Whales occurred along the west coast of North America. NMFS estimated that as many as 2,000 California Gray Whales died in 1999/2000, but other researchers have estimated that as many as one-third to one-half of the population may have died.

Joint research by the University of California at Santa Barbara, the American Cetacean Society, Scripps Institute of Oceanography, the University of California at San Diego, and other researchers reported a 46.8% drop off in calves from 2006 to 2007. Researchers in Mexico in 2007 also reported increases in the numbers of "skinny" whales, which was confirmed by researchers at Stanford University, who documented large numbers of starving whales in 2007. Mexican observers also reported the lowest calf count in 30 years, and large reductions in the number of whales showing up in nursery lagoons in Baja. In Guerrero Negro, only 600 individuals showed up, out of an average of 2,000.

Current population estimates vary, since a thorough field stock assessment has not been completed since 2001. NMFS, in 2005, estimated the population at approximately 17,752 individuals.

The California Gray Whale Coalition believes that the methodology used for these population estimate reports is inadequate and flawed, and does not provide a comprehensive evaluation of the status of the species, as required under the Marine Mammal Protection Act. They note that quotas developed by the International Whaling Commission (IWC) are supposed to be based on the number of animals that can be killed while still maintaining the species' optimum sustainable population level, but that these determinations are only as good as the population estimates upon which they are based. They also note that Canadian researchers have estimated the current population number may be as low as 15,000.

In 2002 the IWC Scientific Committee and the Marine Mammal Commission both recommended to the NMFS that additional studies and monitoring be conducted. Those recommendations were not accepted.

Better understanding of the California Gray Whale's current status has been hampered by the lack of regular field monitoring since delisting. Current threats to the California Gray Whale's survival include climate change, oil and gas exploration and leases in the Bering and Chukchi Sea feeding grounds, noise from seismic operations, military and non-military sonar, liquefied natural gas terminals planned along the California Gray Whale's migration route, bottom trawling, pollution, and other changes in ocean conditions. One significant concern is a drop in ocean biological productivity and the amount of amphipods, the principal food source of baleen whales.

Currently, the California Gray Whale is listed under Oregon law as endangered, under Washington law as a sensitive species, and under California and federal law as fully recovered.

This resolution requests the President and Congress to ask NOAA (National Oceanic and Atmospheric Administration) to conduct a comprehensive study of the California Gray whale that covers migration routes, population dynamics, and the impacts of threats to the species. If the study and scientific evidence warrants it, this resolution further requests that the gray whale be listed as endangered.

II. RECOMMENDED ACTION

Staff recommends the Commission adopt the following motion:

RECOMMENDED MOTION: I move that the Commission adopt the attached resolution requesting that NOAA undertake a comprehensive evaluation and analysis of the status of the California gray whale population and that copies of the Resolution be forwarded to President Obama, NOAA, the Speaker of the House, the Senate Majority Leader, and California's Congressional delegation.

**RESOLUTION BY THE
CALIFORNIA COASTAL COMMISSION
REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
TO UNDERTAKE A COMPREHENSIVE EVALUATION OF THE STATUS OF THE
CALIFORNIA GRAY WHALE**

Whereas: The California Coastal Commission was established by the People of California through initiative statute in 1972 and made permanent in 1976 by the California Legislature as the State's principal coastal management agency to, among other goals and objectives, "...protect marine fisheries, and other ocean resources ... (and) ensure conformity with the provisions of... (the California Coastal Act)... to protect ... state and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state..."; and

Whereas: The California Coastal Act also provides that "(s)pecial protection shall be given to ... (marine) species of special biological or economic significance ..." and that in order "...to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission;" and

Whereas: The California gray whale (*Eschrichtius robustus*) migrates 8,500-11,000 miles annually along the coast of California, between its winter breeding and calving grounds in Mexico and its summer feeding grounds in the Arctic; and

Whereas: The California gray whale contributes significantly to the economic viability of coastal communities by supporting a multi-million dollar whale watching and eco-tourism industry; and

Whereas: The California gray whale has an immeasurable intrinsic value to current and future generations; and

Whereas, The California gray whale migrates past one of the most heavily industrialized and urbanized coastlines in the world, exposing the species to marine pollution, marine vessel traffic, industrial noise, activities associated with the development of outer continental shelf resources, fishing entanglements, bottom trawling, industrial development, and military and civilian sonar activity; and

Whereas, The federal government placed the gray whale on the endangered and threatened species list in 1970 when its estimated population was approximately 12,000 and removed it in 1994 when the population rose to 23,000; and

Whereas, The significant threats posed by global warming, melting sea ice, ocean acidification, and the impact of increased sea water temperature, especially in the Arctic feeding grounds of the California gray whale have very serious negative implications for the species; and

Whereas: The dramatic increase in mortality during the 1998-99 and 1999-2000 migrations may have reduced the population by half, and demonstrate that the species is experiencing increasing stress from external factors; and

Whereas, Pre-whaling population estimates used as a factor in determining species recovered status of the gray whale are now known to have been erroneous and account for only a fraction of actual historical populations; and

Whereas, There have been no reliable population estimates published by the National Marine Fisheries Service since 2001; and

Whereas: The continued health and viability of the California gray whale population is dependent upon, among other factors, all states and countries along the migration route maintaining safe and adequate habitat for feeding, breeding and calving; and

Whereas, There is no habitat protection for the Pacific Coast Feeding Aggregation in California, Oregon, or Washington State; and

Whereas, There are inconsistencies in the protection states give to gray whales;

Therefore, Be it Resolved: That the California Coastal Commission respectfully requests the United States Congress and the President of the United States to call upon the National Oceanic and Atmospheric Administration to undertake an immediate and comprehensive evaluation and assessment of the status of California gray whale population. This assessment should include all current research relating to migration routes, population dynamics, and mortality, and the impacts of stressor forces affecting the health and viability of California gray whale populations, including the impact of global warming on critical feeding grounds; and

Be it further Resolved, That the National Oceanic and Atmospheric Administration publish, and make available for public information and review, the results of its comprehensive assessment of the status of the California gray whale; and

Be it further Resolved, That, if the results of the comprehensive assessment or the body of scientific evidence warrants it, the status of the California gray whale pursuant to the Endangered Species Act be changed to threatened or endangered; and

Be it further Resolved, That the Executive Director transmit copies of this resolution to NOAA, the President, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to California's Congressional delegation.

Bonnie Neely, Chair

Mary Shallenberger, Vice-Chair

This resolution was adopted by the California Coastal Commission on
January _____, 2010 by a _____ to _____ vote.