

## STILL 'ENDANGERED'

### Pacific Whale Watch Association Applauds NOAA Decision to Reject Petition to Remove Puget Sound's Killer Whales From Endangered Species Act



NOAA's Fisheries Service announced today that it has rejected a call from a consortium of farmers in California's Central Valley to remove Puget Sound's killer whales from protection under the Endangered Species Act.

The farm groups – Empress Del Bosque and Coburn Ranch – had petitioned the Fisheries Service a year ago to delist the killer whales, known officially as Southern Residents, arguing that they should never have been listed because they are part of a much larger killer whale population that plies the Pacific Ocean and is healthy and robust.

*(A Southern Resident orca breaches in Haro Strait. Photo: Victoria Clipper.)*

"The Pacific Whale Watch Association applauds NOAA's decision today to keep the Southern Resident orcas listed under the ESA," said Michael Harris, Executive Director of PWWA.

"Our operators empathize with these California farmers, who like us have been asked to make sacrifices to the way they do business to support orca recovery. But whale watch operators are arguably the stakeholders most impacted by these federal regulations, and yet for over a decade now have been conspicuously supportive of the listing of the orcas and taking the strongest possible actions to protect and restore the population."

"Now, let's get back to work."

In 2002, NOAA Fisheries (then National Marine Fisheries Service) rejected a petition submitted by local conservation groups to list the SRKW under the ESA. Five of those groups then sued, ultimately winning an historic U.S. District Court case in 2004, with the judge ruling that the Service failed to take into account the Best Available Science when it rejected the petition. It had relied on a botanist's classification from the 18<sup>th</sup> century that orcas, which are found in every ocean in the world, represent just one species. A year later, NOAA came back with a decision to list the SRKW under ESA.

Their population has always been small. It peaked at close to 100 in the mid-1990s and now stands at 82. Scientists attribute depleted prey resources, particularly Chinook salmon, as the primary problem facing the orcas.

The agency said the scientific evidence supports the Southern Resident killer whale listing under the ESA, which was not in error, as the petitioners had maintained. Agency scientists said these killer whales have their own language and preferred food sources, don't interbreed to any significant degree with other killer whale groups and are genetically distinct. That means, the agency said, they meet the ESA's standard for a "distinct population segment," and should remain protected.

The farm groups, which were joined by the Center for Environmental Science Accuracy, were represented by the Pacific Legal Foundation.

**HOW TO HELP:** For all those who want to help the whales, become a Member of The Center for Whale Research! The Pacific Whale Watch Association is proud to be a longtime supporter of Ken Balcomb and his team. Help them help the whales.

[www.whaleresearch.com](http://www.whaleresearch.com)

##

