

**Joint Resolution of the California State Assembly and Senate**

**Resolution by:** \_\_\_\_\_

**Relative to Higher Protection for the Eastern North Pacific Gray Whale in  
The State of California**

**The California Gray Whales**

**Whereas** each year the California Gray Whale (*Eschrichtius robustus* -Eastern North Pacific stock) migrates along the California Coast to feeding grounds in the Arctic, a journey of 8,500 to 11,000 miles.

**Aware** that the California Gray Whale is an important species from the standpoint of public education, recreational value, aesthetic appeal, economic significance and scientific interest to the people of California;

**Whereas** the California Gray Whale migrates past one of the most heavily industrialized coastlines in the world thus exposing the population to marine pollution, vessel traffic, industrial noise and activities associated with the development of the outer continental shelf resources, fishing entanglements, bottom trawling, industrial development, military and non military sonar over virtually its entire range.

**POPULATION DECLINE**

**Aware** the United States Government placed the California Gray Whale on the endangered and threatened list in 1970 when their estimated population was approximately 12,000 and delisted them in 1994 when the population rose to 23,000;

**Noting** a major collapse in 1999-2000 estimated to have wiped out one third to almost half the population;

**Aware** there has been no proper population estimate carried out by National Marine Fisheries Service (NMFS) since 2001;

**Noting** at the International Whaling Commission meeting in Alaska, 2007, the US IWC Commissioner estimated the California Gray Whale population at 17,000. This estimate, given to the IWC Scientific Committee, was based on a desktop study;

**Aware** that Canadian researchers estimate the current California Gray Whale population to be as low as 15,000;

**Noting** Canadian researchers estimate mortality caused by transient orcas to the California Gray Whale population can reach as high as 30%;

**Noting** that calf counts are in decline;

**Whereas** recent genetic research by Professor Stephen Palumbi from Stanford University puts the original population of Eastern North Pacific Gray Whales at 118,000, a significant increase on earlier government estimates of 30 – 40,000;

**Noting** that the Palumbi research demonstrates only a fraction of the original population survives.

**Noting** that all the evidence available points to a significant and continuing decline in the population since the delisting.

### **Threats**

**Noting** the significant threats posed by global warming , melting sea-ice and the impact of increased seawater temperature in the Arctic feeding grounds of the California Gray Whale have very serious implications for the continuing survival of the whales;

**Noting** that scientists are documenting changes in the California Gray Whale migration route as the benthic amphipod prey on which the whales depend is in significant decline as a result of global warming and major ecosystem changes in the Arctic;

**Aware** that California Gray Whales are specialist feeders;

**Aware** bottom trawling has also caused major declines in the benthic community of the Bering Sea thus impacting the California Gray Whale;

**Noting** researchers are documenting increased sightings of emaciated California Gray Whales;

**Noting** mounting evidence of toxic pollution of the California Gray Whale given to the International Whaling Commission Scientific Committee at the IWC Alaska meeting that at least 10% of the whales killed by Russian Chukotkan people are so contaminated that the meat is inedible to humans and dogs;

**Noting** the California Gray Whale feeding grounds in the Bering and Chukchi Seas are under exponential threat from seismic exploration, activities and oil and gas lease sales;

**Noting** that the Federal Government intends to offer 29.4 million acres in the Chukchi Sea for oil lease sales;

**Aware** that according to the Minerals Management Service Environmental Impact Assessment, there is a 33 to 50 per cent chance of a 1,000 barrel spill in the area;

**Noting** scientific research documents high mortality in benthic amphipods after an oil

spill ( Neff 1990).

**Aware** there are currently 13 proposed Liquefied Natural Gas (LNG) terminals along the California Gray Whale Migratory route encompassing California, Oregon, Washington, Western Canada and Baja-Mexico;

**Noting** the proposed LNG projects would cause underwater noise from construction and operation of the terminals which exceeds current ambient noise levels and could disrupt migration and other important behaviors, including disruption of communication between mother and calf causing habitat abandonment and physical harm;

**Noting** that NOAA fisheries has stated that LNG tanker traffic poses a significant threat of collisions or "shipstrikes" to whales;

**Noting** that in the event of an LNG spill, exposed marine life could suffer harmful or fatal freezing, asphyxiation from the evaporating methane, or burns from high-intensity fires even at a significant distance.

**Concluding** that the California Gray Whale is at considerable risk of extinction without the highest available state and federal protection.

### **Regulatory Failures and Inconsistencies**

**Noting** that the California Gray Whale has not been adequately monitored since 1999 when the National Marine Fisheries Service workshop convened to review the status of the Gray Whale recommended an additional monitoring program for a 5-year period (1999-2004). This recommendation was rejected.

**Aware** that the IWC Scientific Committee recommendation for an intercessional workshop focused on process errors in California Gray Whale abundance including mother/calf counts; pregnancy rates in catch data; relative habitat information and population dynamics has never been implemented;

**Aware** that the Marine Mammal Commission in 2001 and 2002 made recommendations to NMFS that the Service develop a second five year research plan to ensure that information available was adequate to assess the population's status and conservation needs;

**Noting** that the NMFS refused the request by the Marine Mammal Commission in 2002;

**Noting** there is no habitat protection for the Pacific Coast Feeding Aggregation in California, Oregon or Washington State;

**Noting** the inconsistencies in the protection available at a state level along the West Coast;

**Whereas** the same population of California Gray Whales migrate past the coasts of the states of California, Oregon, Washington and Alaska;

**Whereas** Oregon lists the Gray Whale as endangered;

**Whereas** Washington lists the Gray Whale as sensitive;

**Whereas** California considers the Gray Whale as recovered;

**Now, Therefore Resolved by the California State Senate (the Assembly concurring)**

The California Gray Whale requires the highest protection available under California State law in order to ensure consistency of protection along its migration route.

The California Fish and Game Commission should change the status of the California Gray Whale from recovered to endangered.

The California Senate and Assembly resolve to petition NMFS to relist the California Gray Whale under the Endangered Species Act.