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Trump administration settles lawsuit, agrees to protect humpback whale habitat

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FILE - In this Monday, Aug. 7, 2017, file photo, a humpback whale breaches off Half Moon Bay, Calif. In a settlement with environmental groups, the Trump administration has agreed to designate critical Pacific Ocean habitat for endangered humpback whales. The suit by the Center for Biological Diversity, Turtle Island Restoration Network and Wishtoyo Foundation, a nonprofit that represents Native American tribes, was settled Friday, Aug. 24, 2018, in

The Trump administration agreed Friday to protect humpback whale habitat in the Pacific Ocean after American Indian and conservation groups sued the government for leaving the playful leviathans vulnerable to ship strikes, oil spills and entanglements in fishing gear.

The suit by the Center for Biological Diversity, Turtle Island Restoration Network

and the Wishtoyo Chumash Foundation, a nonprofit that represents American Indian tribes, was settled Friday in federal court in San Francisco.

The National Marine Fisheries Service agreed to designate critical habitat for the animals by mid-2019 and finalize those boundaries a year later. It means the migration routes of three endangered or threatened populations of humpbacks on the West Coast will be protected.

“This agreement ensures the whales will finally get the protections they need,” said Catherine Kilduff, a lawyer for the Center for Biological Diversity.

The suit, filed in March, accused the administration of seeking to expand offshore oil and gas drilling instead of protecting whales in California, where they have been seen recently splashing around near Fort Point in San Francisco Bay and under the Golden Gate Bridge.

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“Once again, when we challenged the Trump administration’s attempt to illegally ignore environmental law in court, the Trump administration has been forced to change course,” said Todd Steiner, the executive director of Turtle Island Restoration Network.

Humpbacks often get tangled in fishing gear around Monterey Bay, where the migrating whales come to feed. Vessel collisions have also become a major cause of death outside the Golden Gate, where 7,300 large vessels pass every year. An estimated 22 humpbacks are killed by ships off the coasts of California, Oregon and Washington each year, according to a recent study.

Disasters such as the 2015 Refugio oil spill, which dumped 142,800 gallons of crude in the coastal waters off Santa Barbara, are also a problem for humpbacks, which were observed swimming through the sheen left by the pipeline rupture.

Alicia Cordero of the Wishtoyo Chumash Foundation said “critical habitat is essential” for “our humpback whale relatives” who have shared the Santa Barbara

Channel with the tribe for thousands of years.

In 2016, the NOAA's fisheries service delisted nine of the 14 subspecies of humpbacks that were put under the Endangered Species Act in 1973.

Although the move was touted as an ecological success story, the plaintiffs in the lawsuit pointed out that the humpback subspecies seen along the California coast were still suffering compared to their cohorts in the rest of the world.

The Central American population, which migrates twice annually along the California coast past San Francisco, remained on the endangered list after only 411 animals were counted. The Mexico population, which feeds off the West Coast and Alaska, was downgraded from endangered to threatened, even though experts determined that many of the 3,200 whales were dying from entanglements in commercial fishing gear.

The species, famous for putting on spectacular displays of leaping and splashing, was nearly wiped out by commercial hunting in the 19th and 20th centuries. Before 1900, an estimated 15,000 humpbacks lived in the North Pacific. In the 20th century, their numbers dwindled to fewer than 1,000.

The International Whaling Commission's hunting ban, imposed in 1982, played a major role in the comeback. Between 75,000 and 80,000 humpbacks now live in the world's oceans, and many of those survivors migrate through the Greater Farallones National Marine Sanctuary.

Humpbacks have had a special place in Bay Area hearts since Humphrey, a 40-ton humpback, caused pandemonium in 1985 when he swam through the Carquinez Strait, up the Sacramento River and into a creek near Rio Vista. He went back to sea after 25 days.

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