



# Whales Alive!

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## The Dogs Will Bark, But the Caravan Moves On and Other IWC-Related News

*Heather Rockwell, CSI Board Member & IWC Representative*

The cryptic title of this article will be explained later on, but first let's see what has been going on in the world of whales since the 60th Annual Meeting of the International Whaling Commission (IWC) convened in June.

In August, Japan completed a three-month hunt in the northwest Pacific, during which time they killed 211 whales – 100 sei, 59 minke, 50 Bryde's and 2 sperm – in addition to the 60 minke whales taken in this region earlier in the year. As part of their bogus lethal research programs in the Antarctic and the Pacific, Japan has killed a total of 762 whales in 2008. This figure does not take into account the tens of thousands of small cetaceans brutally killed in Japan's pelagic and coastal drive fisheries, including the continued unsustainable hunt for Dall's porpoises.

When their six-month whaling season ended on September 1st, Norway reported a catch of only 534 whales by the 30-ship North Atlantic whaling fleet. This number falls far short of Norway's annual commercial quota of 1,052 common minke whales for the second year in a row. Despite the 1986 moratorium on commercial whaling, Norway resumed whaling in defiance

of the IWC's moratorium in 1993 and continues to do so to this day.

Even though 80 tonnes of fin whale meat were exported to Japan this spring (which continues to sit in storage with another five tonnes of fin whale meat from Norway), Icelandic whaling companies still have plenty of whale meat left to push in local restaurants and markets. Although once a main staple of the Icelandic diet, whale meat had all but disappeared from dinner tables and stores in the mid-80s. However, opinion polls indicate that while some Icelanders may support their country's renewed whaling, others believe that whaling will hurt Iceland's tourism and economy. And too, it remains to be seen whether younger Icelanders can be tempted to eat whale burgers and sashimi.

In a prelude to what may happen if and when they gain their independence from Denmark, Greenland has reportedly expressed their desire to withdraw from the IWC, where they are currently represented by Denmark. If Greenland does leave the IWC, this would probably lead to an increase in Greenlandic whaling that would fall outside the authority of the Commission. This request follows the second



year in a row that Greenland's proposal for an aboriginal subsistence quota to kill humpback whales was refused by the IWC due to questions over commercial aspects, sustainability and true subsistence needs of the hunt.

After a slight delay this summer, the government of Chile finally approved a law in early September that designates all Chilean waters a national whale sanctuary. President Michelle Bachelet, who first presented the proposed sanctuary bill to delegates at the IWC meeting in Santiago in June, will soon announce the bill as a Law of the Republic of Chile that formally declares over 3,400 miles of Chilean coastal waters safe for all cetaceans.

Several groups were instrumental in driving forward this monumental cetacean protection initiative in Chile: Centro de Conservacion Cetacea (CCC), Centro Ecoceanos, and the National Federation of Artisan Fishers of Chile (CONAPACH). These organizations worked together to gather support for the sanctuary from both national and international conservation groups and individuals, as well as the Chilean Navy and Congress. A last minute plea from the Chilean groups to their cohorts around the world to pledge their support for the whale sanctuary via

Internet signatures was instrumental in influencing the Chilean Congress to approve the law. We commend our friends at CCC and their partners for their incredible accomplishment for the whales.

In mid-September, 24 member nations of the IWC gathered in sunny St. Petersburg Beach, Florida for a meeting of the Small Working Group (SWG) On the Future of the IWC. The SWG was established by the Commission at the 2008 Annual Meeting to discuss key issues facing the IWC, as it struggles to work through what is perceived by some to be an impasse between the pro-whaling and non-whaling nations.

The SWG meeting was chaired by Ambassador Alvaro de Soto, one of three facilitators assisting the IWC through these negotiations. Unfortunately, the meeting was closed to observers, which means non-governmental organizations (NGOs) like CSI were not allowed to sit in on the SWG proceedings. Depending on whom you talk to, the decision to hold the closed-door meeting was based on the advice of the facilitators and other international negotiation experts. It would seem that delegates do not feel comfortable discussing the fate of the world's whales in front of observers. Or, could it be that certain nations do not want to be held accountable to their constituents for their actions against whales?

Which brings us back to the title of this article, "The dogs (NGOs) will bark, but the caravan (IWC) moves on," – apparently a remark made by Ambassador de Soto in reference to complaints from NGOs on being shut out of SWG meetings. Despite repeated requests to the U.S. delegation by the Whales Need US coalition, of which CSI is a member, there was no NGO representative on the delegation and no NGOs in the meeting room.

Now, the IWC Secretariat, the U.S. and other nations will have you believe that these proceedings are not secretive at all. However, it is difficult to view a closed door meeting regarding international negotiations on the future of whales as open and transparent, if there is no way of knowing what discussions and negotiations on "fixing" the IWC occurred during the meeting.

Once the SWG meeting concluded a day and a half early, we were able to gather a bit of information on what happened behind closed doors. The list of 33 key issues to be addressed was divided into two categories – high priority and secondary priority. The higher priority issues include animal welfare, coastal whaling, scientific whaling (research under special permit), the commercial whaling moratorium, by-catch and infractions, compliance and monitoring, the purpose of the Convention, objections and reservations, the Revised Management Procedure, the Revised Management Scheme, sanctuaries, small cetaceans, and whale watching/

### *Whales Alive!*

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CSI is an all-volunteer, non-profit, tax-exempt conservation, education, and research organization with representatives in over 25 countries. Our goal is the "optimum utilization of cetacean resources," as called for in the 1946 Treaty of the International Whaling Commission, through the protection of viable habitat and the cessation of all killing and captive display of whales, dolphins, and porpoises. We support and promote benign activities such as regulated whale watching, nonlethal and humane research, and widespread educational, environmental and observation programs relating to free-roaming cetaceans internationally. Our ultimate objective is the global acceptance of peaceful coexistence and mutual enrichment for both humans and cetaceans.

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nonlethal use. Naturally, the role of civil society (NGOs) in the IWC did not make the high priority list.

Despite the reported spirit of cooperation that existed between most delegates during the SWG meeting, the idea of developing a “package” to “fix” the IWC before the full Commission meets again at the 2009 Annual Meeting in Madeira, Portugal is probably not realistic. Insiders indicate it could take two to three years for such a package to be developed – and that might be too long for some countries, who have threatened to leave the Commission, if progress

is not made soon on “fixing” the IWC.

Stay tuned this winter as we follow the progress being made, or lack thereof, at the second closed-door SWG meeting that has been scheduled in December. This will be followed by an open-to-observers Intersessional meeting in March 2009, when NGOs will finally be allowed back into the meeting room. While the future of the IWC remains unknown, the future for whales looks a bit brighter thanks to the new Chilean whale sanctuary.

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*Sociedad Ecologica Venezolana Vida Marina (Sea Vida) is one of the most effective Latin American NGOs and individuals that CSI is privileged to work with and support because, through Sea Vida's efforts, very positive changes to government policies, scientific research, and public attitudes now are benefitting Venezuela's marine mammals. We are pleased and proud to present their brief report. The report modestly minimizes the enormous challenges Sea Vida has had to overcome, and politely skims over the failed efforts of the many international organizations, including CSI, that have been unable to completely stop Mundo Marino. For over a decade, although portable displays throughout Latin America were stopped, abandoned dolphins in Guatemala were rescued, and captures in Guyana were tracked, the Mundo Marino people just retreated to Margarita Island and truly believed they were untouchable, until Sea Vida. Finally, thanks to Sea Vida...*

## **A Venezuelan Court has Ordered the Start of Trial Against Waterland Mundo Marino Dolphinarium, According to the Criminal Environmental Act**

*By Auristela Villarroel, as translated by Jaime Bolaños*

In the late 90's, the traveling circus Waterland Mundo Marino (WMM), apparently from Cali, Colombia, was granted authorization to set up a permanent facility in Margarita Island, northeastern Venezuela. In a letter of authorization released on January 12, 1998, the former Wildlife Autonomous Service of the Ministry of Environment authorized the dolphinarium to operate in their facilities at the Diverland amusement park in Pampatar, Margarita Island. Interestingly, this commercial enterprise claimed to be considered as a “non-profit organisation” in order to get the authorization. The inventory of aquatic mammals included three Pacific bottlenose dolphins and nine South American sea lions. Since then, several accusations related to probable mistreatment and illegal replacement of dead dolphins have been investigated by authorities, with no obvious results.

On 22 May, 2004, a Coast Guard vessel of the Venezuelan Navy patrolling the Gulf of Paria confiscated 12 common bottlenose dolphins that were being kept in a sea pen by local fishermen and two foreign trainers. Two of these dolphins had been recently captured in the wild and, according to the necropsy report, another female died because of mistreatment during the capture. The documentation pre-

sented to authorities by the capturers included CITES permit 1425 issued by the Venezuelan Administrative CITES Authority for the import of four common bottlenose dolphins from Guyana. The beneficiary of the permit was Mr. Ricardo Roca Egred, from Waterland Mundo Marino. The capturers also presented CITES permit 5163, issued for the export of seven dolphins from Guyana to México. The CITES permit listed the Mexican enterprise Fasimmar as the importer and McNeal Enterprise, from Guyana, as the exporter. No re-export permit was provided.

These actions were felonies under Article 59 of the Criminal Environmental Act (Ley Penal del Ambiente, 1992), so an investigation was started by the Environmental Attorney Office in the city of Cumaná, State of Sucre. Subsequently, the Sociedad Ecologica Venezolana Vida Marina (Sea Vida) requested and was granted access to Court files by the Appeal Court in Cumaná City and the Control Court in the city of Carupano. To the best of our knowledge, it is the first time in Venezuela that a non-governmental organization made use of this Constitutional Right.

On May 23, 2007, the V Control Court in Carupano ruled to accept fully the request presented by the Attorney's Office for a public trial against the presumed perpetrators.

The accusation document included a request for prosecution of Mundo Marino owners, Mr. Ricardo Roca Egred and Mrs. Annmargret Mejia Egred as presumed “intellectual authors” of the crime. To our knowledge, the investigation has been an honest search for the truth, and we hope the coming trial will be the same.

According to a series of reports in the Guyanese newspaper *Stabroek News*, several “massive irregularities and unauthorized exports of anteaters and dolphins” and the “following incorrect procedures” were cited as the reasons for the dismissal of the officer who released the CITES export permits. According to this newspaper, an official investigation was started by the General Attorney Office in

2004. This is not the first time that CITES permits have been used by WMM representatives to try to justify the captures of free ranging dolphins. In 2001, local authorities confiscated two dolphins that had been abandoned in a “farm” near Antigua city in Guatemala. At that time, the capturers presented a CITES permit issued by a neighbor country to Mr. Ricardo Roca, from Waterland Mundo Marino. The dolphins, Ariel and Turbo, were later rehabilitated and released by local authorities with participation of local and international organizations. [CSI note: Ric O’Barry, now a consultant to Earth Island Institute, was responsible for the rescue of Ariel and Turbo.]

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## Celebratory Fireworks!

### Adoption of Caribbean’s Marine Mammal Action Plan

By Nathalie Ward

**HURRAH! It’s a *first* – a conservation plan to protect whales, dolphins and manatees throughout the Caribbean!**

The Marine Mammal Action Plan for the Wider Caribbean Region was adopted by the United Nation Environment Programme’s (UNEP) Specially Protected Areas and Wildlife (SPAW) Programme’s Conference of Parties (COP-5) at the beginning of September 2008.

It has been a long history in the making. The Caribbean’s marine mammal program had its beginning in 1991 at the *first* SPAW meeting (in Martinique), wherein all marine mammal species were listed on Annex II – endangered animal species, which required protection.

One of the goals of UNEP’s SPAW Protocol is to develop specific regional and national management plans for endangered, threatened or vulnerable species in support of national biodiversity conservation efforts. In order to achieve this, Parties of SPAW developed a draft *Marine Mammal Action Plan (MMAP) for the Wider Caribbean Region (WCR)* in 2005 (Barbados). This framework of activities was developed in order to assist governments in the region with their efforts to develop and improve marine mammal conservation practices and policies. The Action Plan also aims to promote regional cooperation on research, information and education and enhance the exchange of technical expertise.

After five long years under development and negotiation by Parties and NGO efforts including meetings, EGROUPEs and workshops, the SPAW’s Scientific and Technical Committee (STAC) agreed at the recent meeting in Guadeloupe (July 2008) to forward the MMAP to COP-5

for consideration and final adoption (in Antigua September 2008).

The MMAP will set a framework and specific recommended actions to protect the populations of marine mammals in the Caribbean region from a variety of threats related to the following areas: Coastal and Watershed Development; Pollution and Marine Mammal Health; Protected Areas and Other Management Regimes; Research; Marine Mammal Watching in the Wild and Associated Activities; Marine Mammal Strandings; Marine Mammals in Captivity; Acoustic Disturbance/Underwater Noise; Vessel Strikes; and Climate Change.

The U.S. delegation successfully initiated three priority actions for the upcoming SPAW/MMAP Workplan and Budget. The first is a marine mammal stranding response workshop in partnership with France and the Eastern Caribbean Cetacean Network (ECCN) in the fall of 2009. The second is an offer by the Commonwealth of Puerto Rico Department of Natural Resources to train personnel from neighboring Spanish-speaking countries on marine mammal rescue and response. The other priority actions are related to information collection and data exchange with priority actions for whale watching and stranding programs.

**What’s next?** The challenge is to translate the text on paper into ACTION! It is time for a toast – a CELEBRATION for the future protection of whales, dolphins and manatees in the Caribbean! It has been a long journey but so worthwhile. Please join *all of us* who have worked over the past fifteen years to *make the MMAP a reality* and raise your glasses high.

### What is SPAW?

The Convention for the Protection and Development of the Marine Environment for the Wider Caribbean Region (Cartagena Convention, 1983) is the only region-wide environment treaty that protects critical marine and coastal ecosystems, while promoting regional cooperation and sustainable development.

In April 1990, Parties to the Cartagena Convention adopted the *Protocol Concerning Protected Areas and Wildlife* (SPAW Protocol), a regional agreement for biodiversity management and conservation for the Wider Caribbean Region (WCR). The SPAW Protocol became international law in June 2000. To date, there are 12 Member Parties including: Barbados, Colombia, Cuba, Dominican Republic, France, Netherlands, Panama, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, the USA and Venezuela.

### What is STAC?

A Scientific and Technical Advisory Committee (STAC) of government-designated experts and experts from non-governmental organizations (NGOs) and scientific institu-

tions, was established by the Protocol. The STAC plays a pivotal role in recommending to the Contracting Parties the species to be listed in the Annexes. The STAC provides a unique opportunity to meet and reach consensus on biodiversity issues relevant to SPAW and other Caribbean conventions.

For UNEP working documents of MMAP from COP 5 Meeting see: [http://www.cep.unep.org/meetings/2008/v-spaw-cop/meeting\\_documents\\_view](http://www.cep.unep.org/meetings/2008/v-spaw-cop/meeting_documents_view).

*Dr. Nathalie Ward has served as marine mammal consultant for UNEP/SPAW Protocol and its draft Marine Mammal Action Plan since 1990. She served as a member of the U.S. delegation at SPAW's recent Scientific and Technical Advisory Committee meeting in July. Nathalie, an acclaimed author and highly respected scientist, is in constant demand to consult on regional issues. Dividing her time as a marine biologist and marine mammal educator between Bequia, Saint Vincent and the Grenadines and Woods Hole, Massachusetts, she also serves on CSI's Board of Directors. Thank you, Nathalie!*

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## Robson Bight, One Year Later

*By Patricia Sullivan, CSI Board*

Imagine that a railroad car containing toxic chemicals derailed in your hometown; some of the chemicals escape into the atmosphere, yet the car remains in the place where the accident occurred. Imagine further that you manage to survive the spill, but you and your family must leave home for an annual holiday. Add to this nightmare the fact that you are a member of a fragile and endangered group, and you live in a unique and magical place where the purity of the land and air and water are essential for your health and life. Now, imagine that while you are away, the organizations responsible for the chemical cleanup do little more than monitor the area, take photographs, and toss ideas back and forth about how to remove the car and its contents and perform cleanup of the area. One year passes. The toxic car remains.

Imagine further the anxiety felt by those left behind when you do not return home on your annual return date. Imagine the speculation, the anger, the frustration, the finger pointing and outrage at the lack of response to the initial accident and action to clean the area. Imagine the heartache and grief, the silent, lonely longing, the anticipation of those keeping vigil, day and night, week after week, awaiting your return. What might these people be thinking? Did you ingest the toxic chemicals before you went away? Did

you sink into illness, linger somewhere, disabled, dying? Will you return?

This story is not fiction. In May 2008, British Columbia's Ministry of Environment finally issued a Request for Proposals to salvage the diesel fuel tanker that has been lying at the bottom of Robson Bight / Michael Bigg Ecological Reserve since the August 20, 2007 barge accident. Since proposals had to be reviewed and evaluated, there was no chance that the tanker would be removed before the orcas returned, as they do annually, to the Johnstone Strait area. Progress: In September, one year after the accident, Lifeforce Foundation (<http://lifeforcefoundation.org>) announced "The B.C. government has awarded a Netherlands company and its Seattle partner a contract...to retrieve a fuel truck loaded with 10,000 litres of diesel, logging equipment and hydraulic oil... Salvaging operations are expected to take place in the fall or next spring when the weather allows equipment recovery with minimal impact on the area's wildlife off Vancouver Island's east coast".

Orca lovers had feared the worst after the accident, and had been anxiously awaiting their return in early summer. According to Paul Spong of Orcalab (Orcalab News), "...fully 25% of the Northern Resident orca community was exposed to toxic diesel fumes". But good news came in June

when Paul Spong reported "...we received a very uplifting email from our colleagues at CetaceaLab (<http://www.whaleresearch.ca/>) on Gill Island - they had sighted Tsitika's A30 family the day before, and everyone was there! This news comes as a great relief, as we had been worried by the absence of sightings of the A30s, at a time of year when they are often seen in northern BC waters. More encouraging news, also from CetaceaLab, is that the A8 matriline has a new member. A42's (Holly's) sister Havannah (A28) has a tiny new baby swimming beside her!"

Questions still linger about the long-term health and environmental effects of the accident, and about the potential for further environmental damage during wreckage removal efforts.

Cause for concern about the delay and impotent protocol for response to the accident is warranted. In an August 8, 2008 form letter responding to my email dated April 2, 2008, Minister Barry Penner apologized for the delay in responding, and explained:

The Government of British Columbia is responsible for the general administration of the Reserve. The marine component of Robson Bight Ecological Reserve and all marine mammals are under the jurisdiction of the federal government. All marine traffic, even within the provincial ecological reserve, falls under federal jurisdiction. Transport Canada, as the federal agency responsible, regulates and sets the response standards for marine spills such as this in Canada. The provincial Ministry of Environment continues to work closely with federal agencies to minimize any potential impacts of the diesel spill. The Canadian Coast Guard (CCG) remains the leading agency in such instances. The Ministry of Environment maintains ongoing evaluation of response operations related to marine spills on the west coast of Canada, and we are pursuing possible changes with our federal government partners so as to improve on the spill response regime for such occurrences.

Regarding the submerged equipment, the Ministry of Environment, in consultation with the Coast Guard, has obtained additional analysis of the available information from technical experts (including Environment Canada). This helped the two levels of government to assess the risks posed by the equipment and identify options for its mitigation. As a result, I announced on April 18, 2008 along with the Honourable Loyola Hearn, federal Minister of Fisheries and Oceans, that the BC Government and the Department of Fisheries and Oceans will salvage critical pieces of wreckage from Robson Bight. It is believed that the current condition of the equipment on the sea floor will allow the time necessary

to carefully undertake this salvage work. The BC Government is also working with coastal First Nations, through a series of workshops, to better integrate them in marine spill response activities. We have begun a review of our existing environmental emergency legislation to identify possible changes that would enhance the province's ability to prevent and respond to all hazardous material and oil spills. In addition, the BC Government continues to engage with our federal partners towards better planning for, and response to, such spills... Sincerely, Barry Penner, Minister.

Then, in a letter dated September 4, 2008, BC Minister Loyola Hearn sent out a similar response:

I appreciate your concerns regarding this matter. Please rest assured that, as the Minister responsible for ensuring an appropriate response to ship-source spills, I take the protection of the marine environment very seriously. A dive was conducted in December 2007, to survey the wreckage site and determine the risk of pollution posed by the equipment, particularly the fuel tank. Stakeholders want to ensure that the timing of the recovery is the most appropriate with the least impact to the environment.

Fisheries and Oceans Canada is working with the British Columbia Ministry of Environment (BCMOE) to review all available information. To date, we have determined that the best course of action is to remove the critical pieces of equipment from Robson Bight. BCMOE is the lead agency for the recovery operation and has not as yet determined the best timing or date. Rest assured that provincial and federal officials continue to work collaboratively to develop appropriate and safe recovery plans, taking into consideration the possible impacts and risks for the orca whales. Fisheries and Oceans Canada continue to take this issue very seriously. Thank you once again for expressing your concerns. Loyola Hearn, P.C., M.P.

It appears the best we can do now is hope for a flawless recovery, no further damage to the environment, no further damage to orcas and other wildlife, and improved protocol and communication about this type of accident. Considering the increased shipping traffic and exploration for oil and gas reserves in pristine areas of our planet, something like this is bound to happen again.

Orcalab, (2008). Orcalab News. <http://www.orcalab.org/news-archive/index.htm>

## The Supreme Court and SONAR

By William Rossiter

**The U.S. Supreme Court** heard opening oral arguments and questions on October 8th in a case in which CSI is a co-plaintiff, under the Natural Resources Defense Council (NRDC). The case, *Winter, Secretary of Navy v. NRDC*, Docket No. 07-1239, will review a decision by the Ninth Circuit Court on the Administration's efforts to exempt the Navy from complying with applicable laws relating to active-sonar training off California's coast.

The case has expanded far beyond sonar versus whales. When the Supreme Court's decision comes, probably early next year, it may have far-reaching consequences for many environmental, economic and social issues, as it may redefine the limits of executive power to negate federal laws that constrain federal activities. Can an administration use "emergency" and "national security" whenever it wants to allow itself to ignore the law, without constraint, oversight, or accountability? The Navy in particular has declared that whatever they want to do is "essential to national security" so often that even Chicken Little would agree they've made a mockery of it. It is an understatement to say that the current administration has pushed almost every law to or beyond its limits, stomping out decades of environmental safeguards. The next administration will have its hands full just trying to clean up the mess and save something for future generations. But they also might be tempted to seek the absolute power the Supreme Court may give them. Make no mistake, we are at this point because the Navy simply does not want to be told what to do, or to be constrained from doing whatever they want. They do not seem to care what else happens.

To follow this extraordinary case go to <http://www.supremecourtus.gov/> and search for "07-1239". Here is how the web site describes the case's history: "The district court found a likelihood that the Navy failed to comply with the National Environmental Policy Act (NEPA) and preliminarily enjoined the Navy's use of midfrequency active (MFA) sonar during training exercises that prepare Navy

strike groups for worldwide deployment. The Chief of Naval Operations concluded that the injunction unacceptably risks the training of naval forces for deployment to high threat areas overseas, and the President of the United States determined that the use of MFA sonar during these exercises is 'essential to national security.' The Council on Environmental Quality (CEQ), applying a longstanding regulation, accordingly found 'emergency circumstances' for complying with NEPA without completing an environmental impact statement. The Ninth Circuit nevertheless sustained the district court's conclusion that no 'emergency circumstances' were present and affirmed the preliminary injunction."

The specific questions presented by the Court are:

1. Whether CEQ permissibly construed its own regulation in finding "emergency circumstances"?
2. Whether, in any event, the preliminary injunction, based on a preliminary finding that the Navy had not satisfied NEPA's procedural requirements, is inconsistent with established equitable principles limiting discretionary injunctive relief.

Case documents are at <http://www.abanet.org/publiced/preview/briefs/home.html> (scroll to Winter...). The array of Amicus Briefs filed in support of either the Petitioner, the Secretary of Defense, or the Respondent, NRDC, suggest the extraordinary consequences of the Supreme Court's decision. Supporting the Petitioner are the American Farm Bureau Federation, American Forest & Paper Association, California Forestry Association, Crop Life America, National Association of Homebuilders, Navy League of the U.S., Pacific Legal Foundation, Washington Legal Foundation, several law professors and some California politicians. Supporting NRDC are the Animal Legal Defense Fund, California Coastal Commission, Center for Biological Diversity, Defenders of Wildlife, Ecological Society of America, Greenpeace, Inc., Humane Society of the U.S., Oceans, Inc., Sierra Club, and Wilderness Society.

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## SONAR Update

By William Rossiter

**The Second Low Frequency Active Sonar (LFA) lawsuit** in which CSI is a co-plaintiff ended in August, as NRDC and the Navy agreed to a settlement that still allows LFA tests and training around Hawaii and the Northwest Pacific, but stopped the LFA from being deployed worldwide. The

settlement protects "biologically significant" parts of both operating areas, while, we assume, allowing the Navy to train close to a home port and maintain a watch on the waters near Japan and China. The Navy also agreed to accept a broad-based research proposal from the plaintiffs, to bet-

ter meet environmental concerns. We will not be surprised if they have a more modern, and devastating low-frequency noisemaker for the next round of lawsuits.

**U.S. Navy mid-frequency active sonar training,** meanwhile, has become a multi-front war on cetaceans. The Navy's strategy to blow away opposition to what they want to do now reaches from the Supreme Court to simultaneous public comment deadlines for two Draft Environmental Impact Statements (DEIS). CSI pleads with everyone reading this newsletter to find the time to comment on the Navy's plans. We are not alone, as many scientists, politicians, and organizations see the danger to marine life. CSI Board Member Taffy Lee Williams, New York Whale and Dolphin Action League, found an excellent example from North Carolinians for Responsible Use of Sonar, <http://www.ncrus.org>.

Because they say it as well as we could, here is their (slightly edited) web site alert for both DEIS's:

**(1) DEIS for Undersea Warfare Training Range (USWTR):**

Three years ago, hundreds of you took action to help stop the Navy from building an instrumented training range along the East coast, for the intensive use of mid-frequency active sonar ensonifying hundreds of square miles of ocean, from a lot of fast, maneuvering ships. Concerned citizens, fishermen, environmental organizations, and local officials identified serious flaws in the Navy's initial DEIS, including its failure to properly analyze sonar's disastrous impacts on the marine environment, or to implement adequate mitigation measures. In response to overwhelming criticism, the Navy contracted the creation of the latest DEIS, released September 12th, to better address concerns about impacts to fisheries, marine mammals, turtles, and hard bottom habitat. But it still doesn't do that.

About the only thing new about this DEIS is a change



**Right whale mother and yearling calf.**

in the preferred Alternative's location, now near Jacksonville, Florida, a critical habitat for endangered North Atlantic Right Whales bearing their calves. Again, the Navy's proposal fails to assess sonar's potential to cause significant harm to the marine environment. The Navy also repeats its failure to adopt common-sense protective measures.

Your voices must be heard again, to demand that the Navy take another look at its plans, to better analyze the impacts of sonar and to protect the marine mammals, fish and sea turtles living off our shores. The DEIS can be read or downloaded at: [http://projects.earthtech.com/USWTR/EIS/DOEIS-EIS\\_2008/DOEIS\\_2008.htm](http://projects.earthtech.com/USWTR/EIS/DOEIS-EIS_2008/DOEIS_2008.htm). In light of the Navy's failures and the real harm sonar poses to marine mammals and fish populations, please urge the Navy to withdraw this DEIS and undertake a more realistic analysis of sonar's impact on the marine environment and the people who depend on it.

**(2) DEIS for Sonar Training off North Carolina's Coast:**

On September 12th the Navy also released its DEIS for general sonar use and training in the Cherry Point Operating Area off North Carolina's coast. This draft EIS is available at: <http://www.navycherrypointrangecomplexeis.com/EIS.aspx>.

This DEIS shows that the waters off North Carolina will bear much of the brunt of the Navy's sonar training, proposing many hundreds of hours of sonar use and even more fast vessels. According to the Navy's own analysis, marine mammals would be significantly impacted by sonar as much as 400,000 times each year off North Carolina's coast. Nonetheless, the Navy refuses to adopt mitigation measures that would help protect these and other marine animals.

**The deadline for public comments** for both DEIS's is October 27, 2008. Address comments to:

Naval Facilities Engineering Command, Atlantic  
Attention: Code EV22LL (for USWTR) or Code EV22SA  
(for Cherry Point)

6506 Hampton Boulevard, Norfolk, VA 23508-1278.

Comments can be faxed to: 804- 200-5568 (USWTR) or 757-322-4894 (Cherry Point).

This time frame is unrealistic considering the complexity of the issues. The Navy and its dozen of consultants and contractors have taken years to produce these documents. The USWTR document is over 1,000 pages long and the North Carolina document is nearly 700 pages long, yet the Navy expects citizens to study these documents and submit comments within 45 days – the minimum time required by federal law.

### What Else You Can Do:

1. Go to <http://www.ncrus.org/> and click on Contact Us to register for fast breaking news about what the Navy is doing.
2. Attend and speak at one of the hearings [Note: CSI removed the alert's hearing locations and times but all are available at the NCRUS web site].
3. Send a message to the Navy, and every elected official you can, asking that the comment periods on these two EIS documents be extended to January 15, 2009.



**Pilot whales may stampede away from sonars.**

CSI is grateful to North Carolinians for Responsible Use of Sonar, and all the other efforts to constrain active sonar training until effective and realistic mitigations are in place. For example, the Navy relies on visual mitigations, a few observers spotting vulnerable marine animals, with vessels shutting down sonars or maneuvering away. Now picture “normal” training, at night, in stormy seas, and rain-



**Put this image of this surfacing dense-beaked whale 100 yards away, and see it as a sailor would!  
Photo courtesy Colin MacLeod.**

drenched sailors staring into darkness, looking for the head of a beaked whale 1/4 mile away. Case closed.

But we are also grateful to the Navy for aggressively researching truly realistic ways to limit sonar impacts. Recently scientists were invited to monitor the behavior of Blainville's beaked, pilot, melon-headed and false killer whales and several other species during the Rim of the Pacific (RIMPAC) 2008 exercises off Hawaii. This was the first time experts were allowed to study whale behaviors during active sonar operations, and it will not be the last. Measuring up to the unique research opportunities, scientists are collecting data that was unthinkable a few years ago, such as a three dimensional record of a whale's movements as it first hears the sonar deep beneath the surface, including the sounds the whale hears and makes.

While we are eager to know whether or not those whales showed any signs of being affected by operational sonars we do not expect definitive answers to the essential question: can the Navy operate active sonars without killing marine life? We are grateful, however, that an increasing number of people are concerned with the question, especially the Navy.

**26 common dolphins stranded and died** and perhaps 80 others were traumatized in June, hours after a Royal Navy “Thursday War” training exercise in Falmouth Bay, UK. Professional and public responses to the mass stranding appeared to have saved over 200 dolphins, while the Royal Navy denied any responsibility. Thanks to the Whale and Dolphin Conservation Society, a Freedom of Information Act request to the Ministry of Defence recently confirmed that twenty fast, maneuvering vessels, several sonars from a frigate and helicopters, and live ordnance were involved over several days. The stranding was attributed to the dolphins fleeing, and the exercise was the only known cause.

CSI has been particularly concerned with the potential for military exercises to cause groups of socially bonded cetaceans, such as these dolphins, to stampede. As they panic



**Common or saddleback dolphins.  
Photo courtesy Ingrid Visser.**

and flee the noise they may run into shore, as seems to have happened here. Or they may just flee until exhausted, perhaps losing members who cannot keep up. No one knows if hundreds more dolphins fled the area without stranding. This event and others are alarming evidence of what active sonar exercises may actually be doing to cetacean populations worldwide, as they are forced from necessary habitats and

activities. As the events pile up on beaches the knee-jerk denials by navies are sick symptoms of the underlying flaw: The noise makers demand proof that they are the cause, and refuse to prove they are not. We hope the U.S. Navy's recent increase in real-time sonar-versus-cetacean research signals a turning point in this conflict.

## The North Atlantic Right Whale

By William Rossiter

**The North Atlantic right whale** is CSI's first choice for our new species profiles in *Whales Alive!*. These profiles will give you Internet links to the best facts from the experts, while we focus on what makes them unique and exciting, and why we all should be concerned about them.



Two right whales cruise the shallows.  
Photo courtesy Mariano Sironi.

The North Atlantic right whale is bigger than a bus, shaped like a blimp, as powerful as a tugboat, with a tail as wide as wings, a mouth so big that that's all you'd see from the front, and eyes way down where they can't see anything in front at all. Odd to us, perhaps, but these whales are superbly adapted to fulfill their needs. They windsurf, play with their children, and have some wild parties. But, while much of their lives remain a mystery, the most important thing is that they may become extinct. Because of us. Soon.

There now are fewer than 400 alive in the entire North Atlantic, and the majority have been entangled in fishing gear or stuck by ships or harassed by noise or sickened by pollution. Right whales are being lost at an unsustainable rate because they are competing directly with humans. Saving them may require sacrifices our society may not be willing to make in time. Colonial whalers tried to wipe them

out because of the profits to be made. Today we don't want to wipe them out, but the cost of saving them cuts into profits and our commitment is weak. One example is how Vice President Cheney's office secretly prevented vessel speed restrictions proven to reduce ship strike mortalities, because slowing ships reduces profits. NMFS's recent rush on ship strikes may only be due to an impending court decision, and a recent injunction may finally prompt implementation of the sinking ground-line rule to help prevent entanglements.

"Our" right whale has become a 60 ton icon for the imbalance between short and long term human needs. In the short view it's all about the money and power. In the long view it's all about the world we will leave to following generations. The species is "facing imminent extinction", according to the North Atlantic Right Whale Consortium. There is nothing else like the NARWC, an organization made up of several hundred members from science, government, fisheries, advocacy organizations, and whale-watch companies, all committed to saving the species, one whale at a time. NARWC itself serves as an example of what can be done to help so many species vulnerable to human impacts. Much about NARWC and the whale it serves is found at <http://www.rightwhaleweb.org/>. Their annual meeting, on November 5-6 in New Bedford, Massachusetts, is open to all.

Over the span of many ice ages right whales have roamed the Atlantic's coastal shelf waters, somehow finding food and each other. Because every right whale's survival depends on finding very specific and condensed food resources in a very big ocean, wherever there is a lot of food there will probably be lot of whales. This past April almost one-fourth of the entire species' population was foraging at once in Cape Cod Bay, feasting on *Calanus*, a copepod too small for the whale to see but often congregating in patches of over 4,000 animals per cubic meter that the whale needs; anything less dense and it's not worth opening their mouths. But how does each huge whale find the patches of prey dense enough to eat efficiently?



Data from hundreds of hours of noting small scale movements of foraging whales, along with water conditions and prey patches, have enabled computer models to represent search patterns and predictions of where the prey patches may form. But the whales do it better, relying on generations of evolutionary adaptations no one yet understands. Maybe they taste the prey's trails, maybe their callosities sense the prey, but however they do it, it is magical to watch a 50 foot, 60 ton whale swerve smoothly and suddenly, open her mouth and plow slowly through... nothing, as far as we can see. But in a day she'll swallow perhaps a ton of creatures, each one too small to see. When rich prey concentrations bring many whales together how do they keep from colliding? Watching whales skim-feed in echelon formation on other whales suggests they know where the other whales are, somehow.



**Three right whales surface-feeding in formation.  
Can they do this at night?**

Plankton tows allow scientists to measure prey densities. When the tows' densities drop the scientists know what the whales already know: it's time to leave. But how does a whale know, not just when the feast is over, but where to go next? Like elephants and others, whales may have mental maps of seasonal resources. But, while matriarchal elephants with decades of experience lead their families to resources, does each whale have to learn for itself after leaving its mother?

How does the news spread, and how do the whales travel as if they had GPS guidance? Recent research suggests that right whales may use acoustic cues like clacking baleen plates or discrete calls from other right whales to find food resources. But what if the whales can't detect those cues because of masking human sounds? New models predict that, if detection ranges are reduced enough, some whales simply may not find enough food. If shipping, fishing, and military noises mask essential cues, and even one whale cannot find enough food as a result, we have another concern for a population-level impact on the species.

U.S. Navy training ranges produce a wide range of sounds, such as from fast, maneuvering vessels, active sonars and weapons. Do some of those noises cause whales to alter necessary behaviors? Could many vessels going from their port to the range for an exercise seem like a wall of noise to whales, or could the exercise activities simply alarm the whales enough to stop their migration or other essential behaviors? We'll risk raising a false alarm here because, if a whale, especially a mother with new calf, reacts to the sounds by stopping any activities significant to the whale's needs, the effect may have population level significance.



**Right whales feed like this at any depth.**

The mouth of a right whale is enormous by any standard. The strips of baleen that make it look like a pipe organ may be ten feet long. The strips fray on the inside, forming a fibrous net that traps the very tiny prey while the water passes through and away. The open mouth creates enormous

drag, which is why she has an enormous tail. She doesn't need speed, she needs power.

That power can be positively scary to the heroes who risk severe injuries to rescue entangled whales. Here we pause to honor the pioneers of disentanglements from the Provincetown Center for Coastal Studies. Since beginning the disentanglement program in 1984 PCCS has led the way not just with effective rescue techniques and gear, but in numbers of successful rescues and trained responders. You've read about them in headlined stories that circled the world, yet surprisingly none of those stories has generated more than token of public support. And while paying lip service to saving whales, the government has tried to cut the program's budget almost every year.



**Kingfisher's entanglement was reported worldwide.**  
Credit: PCCS and Wildlife Trust Georgia.

But let's get back to the heroism. Imagine you're in a small inflatable boat, holding a line that's wrapped around a whale, which is pulling away. Let go of the line and the whale may be lost, and so may be the boat, because the line has hooks that will rip the pontoon. You watch as the hook rips through your palm, but you keep the line and save the whale. And you're back at it as soon as your hand has healed.

The whales become entangled because they must share their habitat with commercial fisheries. A submerged foraging whale, mouth open, may strike a vertical line from a set of lobster pots. Rolling to escape the line may wrap the whale so tightly it may not be able to open its mouth, or as it drags gear for months, even years, a flipper may be cut to the bone, slowly rotting away as the whale somehow survives. The pain and suffering cannot be imagined, but it is another reason people make heroic efforts to rescue right whales.

The harsh reality is that the majority of right whales show entanglement scars, and they are the survivors. Com-

mercial fishers, to their credit, have tried very hard to adapt gear and techniques to keep whales from getting caught. One recent, award winning innovation is a coded line within the gear, allowing the circumstances that caused an entrapment to be better understood. This project is about finding solutions, not placing blame.

Ship strikes may kill three or more right whales every year along the East Coast, in part because they can be hard to see and avoid, but as well, the whales don't hear the approaching vessels because of the physics of sound transmission near the surface of the ocean. Perhaps as bad, a submerged whale alarmed by noise is likely to rise to the surface right in a ship's path. Because the probability of mortally wounding a right whale increases dramatically with a ship's size and speed the Final EIS to "Implement Vessel Operational Measures to Reduce Ship Strikes to North Atlantic Right Whales" was *finally* released in August, and comments closed in late September. The tortuous process to get this far have included delays by the Coast Guard and a year of opposition from the Vice President.



**Southern right whale watching people.**  
Credit: Graciela Keidansky.

While controversial whale watches in Argentina may allow events like this, no one in this hemisphere gets closer than 500 yards to a right whale anymore without a special permit and a real need, simply because there are so few whales we cannot afford to willingly interfere with their lives. Because private boaters may still think it's OK to let a whale approach, and right whales can be very curious, Massachusetts has created a very effective marine enforcement capability, which can be alerted to patrol specific areas based upon scientific predictions of prey concentrations, and likely whales. The system also prevents ship strikes, and works so well it should be a model for many local enforcement efforts. Of course there's a downside, but it's necessary: If the public cares most about what they can actually experience, and right whales need the public's con-

cern, has the 500 yard rule reduced public awareness and concern? The only solution is for CSI and others to advo-

cate for the whales, and we and the whales could use your help.

## CSI Joins Boston Japan Dolphin Day Protest

*By Patricia Sullivan, CSI Board*

CSI participated in the Boston Japan Dolphin Day protest which was held between noon and 2:00 p.m. under a hot late summer sun on Friday, September 5th outside the Consulate General of Japan in Boston. This year's protest was much more visible than last year's with over two dozen supporters showing up to hold placards and life-size inflatable dolphins, wear dolphin and orca masks, and pass out 300+ flyers. So many people participated that we were able to occupy three street corners to make an impossible-to-ignore impression on the lunch rush-hour pedestrians.

This year, similar to the last, WSPA's Program Officer Sharanya Prasad met Japanese Consul Hisashi Nakatomi in

person to hand over a letter voicing concerns and related materials from the four participating groups. The packet also included a copy of the press release and "Welcome to Taiji" video from Ric. Mr. Nakatomi promised, like last year, to forward the message to Tokyo.

The potential for provoking thought and interest - regardless of the amount of visibility or press we received in Boston - cannot be understated. The horrors of Japan's annual dolphin drive and slaughter are being exposed, and CSI will continue to participate in and support all efforts to raise public awareness about the atrocities of capture and captivity.

## On A Corner Far Away, They Stand Up To Fight For Dolphins

*By Taffy Williams*

On September 5, 2008, flanked by NYPD and building security officers on the steps of the Japanese Consulate on Park Avenue, New York City participated in the annual rally to save dolphins known as "Japan Dolphin Day." Activists from 61+ organizations staged similar protests around the world in such cities as London, Manila, Tokyo, Rome, Dublin, Barcelona, Nepal and Vancouver, to call for an end to Japan's unsustainable dolphin drive-fishery slaughter of over 23,000 dolphins each year. (See <http://www.savejapandolphins.org/> for a complete list.)

The New York Whale and Dolphin Action League (<http://ny4whales.org/>) organized the event, which drew around 40 activists from the tri-state area. While animal rights protests chanted "Stop the killing! Stop the pain!" through their bullhorns, the police kept watch and passers-by took leaflets, voicing their support. Members of the NYC Metro Chapter of the Raging Grannies added more song in support of saving whales, saving dolphins, and protecting their freedom in the sea. Along with the Raging Grannies, members of Win Animal Rights (<http://WAR-Online.org/>), NYC Animal Rights, Pigeon People, Raw Revolution, NY4Whales and CSI came together to make this event one of our most impactful.

Animal rights groups, and cetacean advocates especially, are working to help expose the often obscured connection between the dolphin slaughters and the aquarium industry, and especially the immensely popular "Swim With Dol-

phins" and "Dolphin Assisted Therapy" programs. These programs generate huge sums of money for facility operators. In fact, it is widely believed that their owners will stop at nothing to ensure that dolphins are kept in the show tanks.



Although dolphins can live to be 40 years or older in the wild, in captivity the average life span is about 5 years.(1) Therefore, because of the high dolphin mortality rate in captivity and the increasing demand by the public to "swim with dolphins," aquarium owners have actually been subsidizing the dolphin drive fishery slaughters.

While pods of dolphins are driven into small shallow

bays in 3 coastal villages in Japan, aquarium owners are waiting. Out of a hundred dolphins, a facility owner will choose several young, usually female, perfect-looking dolphins, paying the fisheries up to 8 million yen (\$80,000 US),(2) for each, an exorbitant amount that is far beyond the price that dolphin meat can raise in open market. After the aquarium owners have hand-picked the dolphins they want, the remaining are brutally hacked to death; their screams and cries create bloody pandemonium in the waters. In fact, the atrocity of the slaughter has become so embarrassing to the drive fisheries that they now cover the area with tents and tarps, using armed guards to stand patrol and keep the press and media away.



NY4whales members say that the aquarium industry is keeping the dolphin drive-fishery slaughter in business. “If you swim with dolphins anywhere except in the ocean, or if you take your child to any Dolphin-Assisted (bogus) Therapy, you are supporting the slaughter of 23,000 dol-

phins each year, because this is where they come from.” It was pointed out that, “A former employee of a captivity facility (in the Gulf of Mexico) testified under oath that when they went out to catch one dolphin for their swim-with program they had to kill 20 others. They had to kill 20 dolphins just to catch one, because just like you or me, dolphins will fiercely protect their loved ones!” While the aquarium industry continually claims to be conservation-minded, ironically, they must slaughter dolphins in order to capture them to keep the shows going. In reality, the dolphin entertainment/aquarium industry is all about money, and the dolphin drive fishery is only in existence because of them. They tell the public that all their dolphins are born in captivity, but the death rate far outpaces the birth rate which is unnaturally low in captivity.

CSI’s Bill Rossiter manned the cameras and spoke to many about the perils dolphins and whales now endure as they face increasingly volatile environmental conditions. The dolphin drive fisheries’ massive annual slaughters are unsustainable and poised to send many species that inhabit or migrate through or near Japanese waters over the edge toward extinction. Following the event, a letter from the NYC area activists condemning the drive fisheries dolphin slaughter was sent to the Japanese prime minister, the embassy in Washington, DC, and the Japanese Consulate in NYC. Like activists in other cities around the world, the NYC groups plan to restage this event in October.

1. <http://www.dolphinproject.org/the-statistics-.html>
2. [http://www.elsaenc.net/eng/info\\_e\\_dolphinexp.htm](http://www.elsaenc.net/eng/info_e_dolphinexp.htm)

## “Barstow Travel Adventure” Whale Films Now Accessible on Internet

A collection of whale films and videos produced over the years by CSI Director Emeritus Robbins Barstow has now been uploaded onto the Internet so that anyone in the world with access to a computer connection can call them up and watch them for free on the computer screen. To view any of Barstow’s films, go to <http://archive.org/> on the Internet and type “Barstow Travel Adventure” in the search box. A listing will appear with over a dozen different films, any one of which can be clicked on and played. Included in the collection are:

The Building of “CONNY” - Life-Size Sperm Whale

Model (1976)  
Newfoundland Whalewatching: The Humpbacks of Trinity Bay (1980)  
Whalewatching Adventures in Baja California (1986)  
The Quest for the Great Sperm Whale (1991)  
Heidelberg and Whales, with Folksinger Don Sineti (1992)  
The International Whaling Commission: Two Historic Meetings (1993 & 1994)  
Eyewitness to Extinction: The Chinese River Dolphin (2006)

**In this issue, we feature CSI Vice President Brent Hall.** Here are comments from some of our Board members:

From Director Emeritus, Dr. Robbins Barstow: "...a tall, self-effacing gentleman, but he is the backbone of the Cetacean Society International. It is hard to believe that it is now 14 years since he assumed the editorship of the society's outstanding quarterly newsletter, *Whales Alive!* This means that he has entered on his home computer and designed the layout for an amazing total of 56 different issues of this publication!

"The first issue he edited was Vol. IV, No. 1, in January 1995, containing 8 pages. [The society's newsletter had originated as *The Connecticut Whale* at the organization's founding 21 years earlier in 1974, edited by now CSI Director Emeritus, Dr. Robbins Barstow.] After two years, in July 1997, Brent expanded *Whales Alive!* to 12 pages, and in October 1998, its size jumped to 16 pages, which it has remained now for 10 years.

"Brent has edited and printed out the content submissions contained on every single one of the 764 individual pages which have comprised these 56 issues. He knows CSI and global cetacean conservation from inside out and gently but firmly guides our very extensive printed output.

"Beyond all of that, this incredible volunteer is responsible for CSI's tremendous web site, which includes access not only to current and past issues of *Whales Alive!* but an unmatched Internet cetacean photo gallery, as well as continually updated Action Alerts, additional information, and significant links to other whale-related organizations. And in addition Brent serves as

CSI Vice-President and also Membership Chairperson!"

From our President, Bill Rossiter: "Brent is the most professional volunteer any organization could hope for, an example to us all. He alone knows how many hours he donates to CSI and other organizations like the Sounding Board. Those hours, and his extraordinary skills with electronics and computers, are given freely to benefit whales. But Brent's greatest gift to CSI may be that he's not hesitant to speak his mind; he can be counted on to keep CSI on the right track. It's really simple; Brent's indispensable to us."

And our Secretary, Jessica Dickens, pays tribute to Brent's dedication: "I've been a member of CSI for almost 10 years, and out of all those years, I cannot remember a time that Brent missed a meeting..."

Another member comments: "Brent is the kindest, gentlest, most patient editor I have ever worked with; positive, realistic and genuine. He laughs and takes things in stride, even when a fallen tree crushed his lawnmower, or when we miss our *Whales Alive!* deadlines (which occurs more often than not). What is most admirable to me is that Brent first went whale watching over 20 years ago and still is committed and dedicated to the cause..."

The debt which CSI, its Board of Directors, its wider general membership, and the world's cetaceans owe to this individual team member is immeasurable. It is an honor for the rest of us to pay homage to Brent Hall and return his humble, friendly smile.

## Notes

- **Individualized photographic certificates** are now available for new CSI members. If we know their favorite species of whale or dolphin we will use an appropriate and dramatic image as a background. These are particularly suited to gift memberships, so if you know of someone who might enjoy being part of CSI please let us know.

- CSI's educational flyer on cetaceans in captivity is still available. We will be glad to send one as a sample to

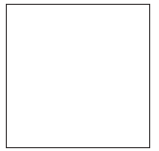
anyone who requests it. Contact: CSI, P.O. Box 953, Georgetown, CT 06829 U.S.A.

- Current and previous issues of *Whales Alive!* as well as our Photo Gallery and other features can be found on CSI's web site. Check it out at:

**[csiwhalesalive.org](http://csiwhalesalive.org)**

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**FIRST CLASS MAIL**



North Atlantic Right Whale  
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