

## Sound News

### **Public Comment on the Draft EA—Makah Whale Hunt**

*Members of ACS/PS, member of anti-whaling groups, and many other concerned citizens attended and spoke at the public comment for the draft EA relating to the Makah Whale Hunt. See page 2 for information about the draft EA and the event.*

### **Update on the Orcas**

*Two new babies have joined the resident pods of Whulj—and on Christmas Eve 2000, visitors to Lincoln Park in West Seattle received a special gift. Page 3.*

### **Underwater Sound and the Orcas**

*At the November program in our **Speaker Series 2000**, a distinguished panel spoke about the effects of noise on cetaceans. See page 5.*

### **60 Minutes II**

*City Cantabile Choir's OrcaSing 2000, its choir director and ACS/PS Special Events Chair Fred West, ACS/PS President Joe Olson, and Jim Nollman were featured as part of the story **Serenading The Whales** on 60 Minutes II. See page 5 for some general information and the link to the story on the CBS Web site.*

### **Dolphin Saves Boy**

*A lone, sociable dolphin, who has chosen to live near a port in southern Italy, saved a 15-year-old boy from drowning. Page 3.*

## **OrcaQuest 2001**

**Planned for June 22 - June 28, 2001**

By Beth Phillips and Erin O'Connell

We are pleased to announce that ACS/Puget Sound and Project SeaWolf, a Puget Sound-based conservation group, have teamed up to create an educational outreach program for students called "OrcaQuest 2001." The collaborative project is designed to introduce students to and educate them about the marine ecosystems in the Northwest and present them with ways to conserve the environment.

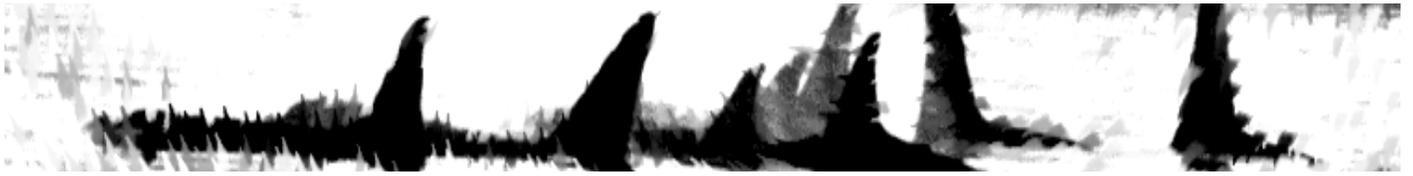
The students will spend a week in the San Juan Islands during the spring, taking part in various activities including sea kayaking, snorkeling, whale watching, touring the various facilities available for education and research, and listening to evening presentations put on by local researchers and naturalists. This is the first time ACS/PS has participated in an educational project such as this, and we are very excited to take part.

The idea for OrcaQuest 2001 originated with a woman in Texas who is concerned about the plight of the local orcas and wanted to do something to educate others about them. She has received much support in her local area and is now able to bring a group of high school students up from Texas for the first program.

Because this is the first time ACS has been involved in such a project, we are offering it to only those students in Texas. However, if our first project is a success, we plan to continue and expand OrcaQuest in the years to come. If anyone would like to donate their time or money to help put OrcaQuest 2001 together, or if anyone would simply like to let us know what you think of the program, please feel free to contact us. We look forward to hearing from you and we'll keep you posted!

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## Public Comment on the Draft EA Relating to the Makah Whale Hunt

By Erin O'Connell

On the evening of February 1, 2001, members of the Makah tribe and various anti-whaling groups met in a cold, run-down auditorium to hear comments on the new draft Environmental Assessment (EA). The EA, the second prepared by the National Marine Fisheries Service (NMFS, which is now known as NOAA Fisheries), was ordered last summer by the U.S. 9<sup>th</sup> Circuit Court of Appeals. The court found that the agency had violated the National Environmental Policy Act (NEPA) when it approved a hunt management plan before completing an EA. The case, *Metcalf v. Daley*, was challenged in a lawsuit filed by former Representative Jack Metcalf (R-Washington), members of environmental groups from the U.S. and abroad, and owners of whale-watching businesses.

The meeting began with NMFS moderators dedicating time for government officials to speak. There were only Makah tribal government members present—no U.S. government officials from federal, state, or local agencies were on hand to provide comment. However, the process took the better part of one hour. The Makah spoke at this time on very important issues relating to their tribe and its members, but with no correlation to the draft EA. During this time the entire crowd was respectful and quiet, including those with differing opinions. The moderator later noted this.

Many people from several environmental and animal rights groups, as well as concerned members of the public, spoke on behalf of whales. They emphasized the lack of International Whaling Commission (IWC) approval and cited problems in the EA relating to marine habitat, the food chain, and toxins. Many spoke about the unusually high mortality rate in the past two years. Others focused on the fact that there has always been and continues to be commercial intent relating to this hunt.

Joe Olson, ACS/Puget Sound President, stated, “The EA is biased in favor of the Makah whale hunt. Two-and-a-half pages of the EA address, in detail, the Makah’s possible course of action should the United States decide not to grant a permit for the hunt. However, no detail is given in the EA regarding what the objections to the hunt were in the first place. These objections are a matter of public record and should be included in the EA so an adequate assessment can be made.”

I mentioned that “Section 2.7 states that NOAA may issue a license to whaling captains for aboriginal subsistence whaling *allowed by the IWC*. It must be emphasized that the Makah hunt is not allowed by the IWC. Only NOAA

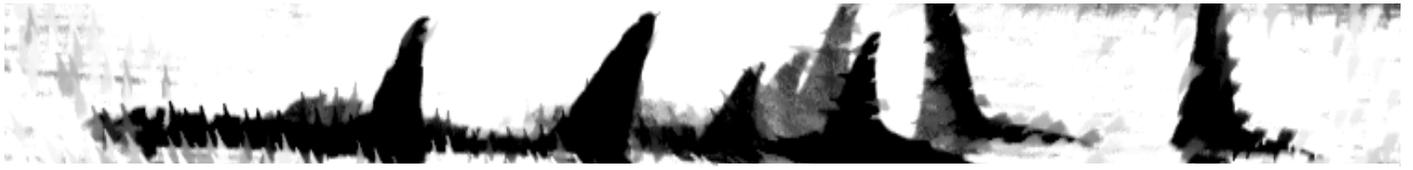
has allowed it. Not only has the IWC not allowed this hunt, but also as mentioned previously, they have rejected it.” I also focused on the biased nature of the draft EA. Section 4.2.4.a.2 – *Utilization of Meat* states, “Almost all edible portions of the meat and blubber were removed from the whale by tribal members on May 17, 1999.” However, I reported that “In fact, members of NMFS, including Joe Scordino, who is on the panel of this EA, assisted in butchering the whale taken by the Makah on May 17<sup>th</sup>, 1999. I have unseen footage of these members flensing large slabs of meat and blubber, then washing and placing it on blue tarps or passing it to onlookers. Later, as the tide came in and threatened to take the whale back, NMFS members assisted a member of an Alaskan tribe (who was brought in to teach Makah whalers how to butcher a whale) in lightening the whale by removing meat and intestines in order to tow the whale up onto the beach. A member of NMFS (Merrill) at the time stated NMFS and the Alaskan ‘should not be doing this.’ However, after several tries they still could not contact any Makah whalers, who had left several hours earlier.”

Elizabeth Petras, ACS/PS Vice President and Conservation Chair, declared that the new EA failed to meet the standard set in the 9<sup>th</sup> Circuit Court’s decision and, as an EA, was biased and filled with inaccuracies and inconsistent information.

Anna Hall of the West Coast Anti-Whaling Society stated, “The EA repeatedly suggests the Makah are the only native group which will be able to whale, indicating there are no grounds for concern regarding any expansion. This is, of course, not true. There are 13 bands within the Nuu-chah-nulth nation that have expressed an interest in following the example set by the Makah.” ACS believes this to be one of the most dangerous consequences of allowing the Makah to hunt. After the hearing, Hall told us, “I should make it clear—the Nuu-chah-nulth are currently negotiating their treaty with the provincial and federal governments. I just received a letter from the Honourable Herb Dhaliwal, Minister of Fisheries and Oceans. He states, ‘Some Pacific Coast Aboriginals have a long history of subsistence whaling and are claiming Aboriginal rights to hunt whales. Fisheries and Oceans Canada, in applying its policy on whaling, will continue to respect Aboriginal rights to hunt whales.’ This does not bode well for whales in my opinion.” Hall also brought petitions with 16,000 signatures opposing the Makah whale hunt.

The draft EA was rife with “poor science, incomplete and inaccurate reporting,” said marine mammal biologist Dr. Toni Frohoff of the Humane Society of the United States (HSUS). IWC-sanctioned whaling consists of both a nutritional and a

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continuous whaling culture, neither of which the Makah have. Dr. Frohoff added that the Makah, in fact, have contributed somewhat to the overexploitation of this gray whale population, which is alluded to in section 4.2.4.a of the draft EA. The section states, “The Makah traded whale oil and parts to other tribes along the coast, and subsequently engaged in commercial whaling with both Yankee whalers and Europeans.” “By 1850 the Makah were producing 30,000 gallons of whale oil annually, most of it sold to European vessels,” stated Dr. Frohoff.

Others spoke more from the heart. Chuck Owens, President of Peninsula Citizens for the Protection of Whales (PCPW), pointed out the safety issues of .50 caliber guns being used so close to shore where it could hurt children on playgrounds (and tourists driving along the coastal highway). Margaret Owens of PCPW gave a heart-felt

speech. “It just doesn’t stop ... the stress over whether it’s going to happen.... We blame you and all your bosses for this mess,” Owens told NMFS officials, contending the controversy had “turned our community into ground zero for racial disharmony.” Andrew Paik of Earth First said, “Clearly, this EA is going to be thrown out...”

The ACS National Board of Directors voted two years ago to oppose the Makah gray whale hunt in accordance with existing ACS policy opposing commercial whaling. The IWC defines aboriginal subsistence whaling as “whaling for the purposes of local aboriginal consumption carried out by or on behalf of aboriginal, indigenous or native peoples who share strong community, familial, social and cultural ties to a continuing dependence on whaling and the use of whales.” If the Makah hunt does not qualify as subsistence, it should be considered a commercial hunt.

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## Update on the Orcas

By Elizabeth Petras

There is some good news for the local killer whale pods—two new babies were born in the past few months. In early November, researchers saw K16 (Opus) with a young calf. This is the first calf seen with the 16-year-old whale. Sadly, K16 lost her mother, K3, and young brother, K29, three years ago. She now travels with her sister K14 (Lea) and nephew K26 (Lobo). K16 is among the whales identified visiting Monterey Bay in January 2000.

Another young female had a calf in early January. J14 (Samish) was seen with a very young calf (J37) by researchers at the Center for Whale Research. At that time, the calf was thought to be only days old; it was still very peachy colored and had fetal folds. This is J14’s third calf and is believed to be a boy. J14’s first calf, born in 1987, died at the age of four. Her second calf, J30 (Riptide), was born in 1995 and was observed swimming with mom and new sibling J37.

ACS members had a wonderful Christmas gift. On Christmas Eve 2000, a super-pod of killer whales was seen from Lincoln Park in West Seattle and from Vashon Island. Mark Sears, who has been following the whales in lower Puget Sound for more than 25 years, said this is the first time he’s seen all three pods in the area in late December. The killer whales may have been feeding on an unusually late run of chum salmon. A big thanks to ACS/PS member Anne Stateler for her help in spotting the whales and letting us enjoy the holiday treat.

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## Filippo Strikes Again

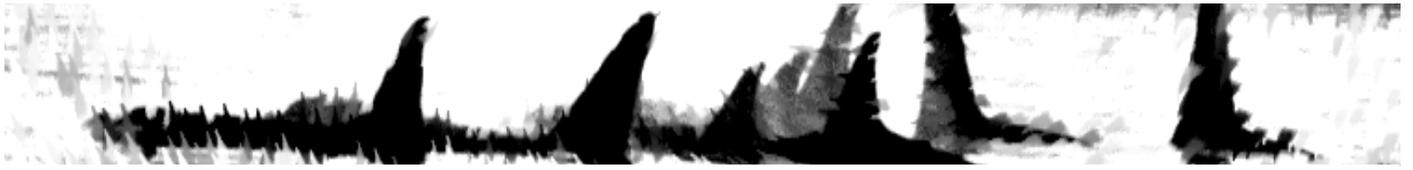
Since 1998, a “lone, sociable” bottlenose dolphin male nicknamed Filippo has chosen to live near the port of Manfredonia, in southern Italy. After having gained a reputation as a rather “weird” and “aggressive” dolphin due to his occasionally “rough” interactions with human swimmers and his unusual behaviors including resting for hours near a boat moored in the port, last August Filippo saved a 15-year boy who fell in the water off his father’s boat. Neither the boy nor the father could swim, and the dolphin reportedly rescued the boy while he was sinking, unnoticed, as his father’s boat motored further away. Filippo then carried the boy near the boat, where the astonished father could rescue him. The risk is now that the sudden increase in interest in Filippo, who has become a national celebrity, may encourage physical contact that may be harmful to either the dolphin or human swimmers. Unfortunately, no specific measures can be applied to encourage his protection due to lack of clear legislation, and much relies on private initiatives. The animal—who has been the subject of a study conducted by the Tethys Research Institute since 1998—represents a remarkable opportunity for research, public awareness, and education. It is hoped that following this remarkable rescue appropriate legislative measures will be adopted at a national level to protect “sociable” dolphins.

(Submitted by Giovanni Bearzi and Giovanna Barbieri, Tethys Research Institute, *Marine Mammal Science Newsletter*, Vol. 8, No. 3)

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## ACS/PS Scientific Advisors

Dr. David Bain, Dr. Robin Baird, Dr. John Ford, Dr. Richard Osborne, Dr. Adam Pack, and Dr. Peter Ross



## Orcas and Underwater Sound: Motors, Measurement, & Music

By Bob Wood

At the November program in ACS/Puget Sound's *Speaker Series 2000*, a distinguished panel discussed underwater sound and then followed up their discussion with a Q&A with the audience. The moderator was Dr. Patrick Miller, whose doctorate studies evolved from Woods Hole and MIT. Patrick's work is in the natural communication of killer whales, and he recently published a paper on the effects of noise on humpbacks. The three panel members were Dr. Toni Frohoff, Dr. David Bain, and Jim Nollman. Toni Frohoff, Director of TerraMar Research, is a behavioral biologist who specializes in studies on marine mammal behavior and, more specifically, stress in dolphins. One ACS/PS's scientific advisors, David Bain has been involved in and supervised cetacean studies for Six Flags Marine World, University of Washington, and the Whale Museum on San Juan Island. Much of David's time is spent studying underwater acoustics and noise and how it affects the cetaceans of Puget Sound. Jim Nollman is an author, lecturer, researcher, and conceptual artist and is the head of Interspecies Communications.

Humans, as well as species of the sea, live in an environment full of sensory stimulation. From nature's orchestra to man's sounds, there has always been a need to communicate and a quest for an understanding of communications. This is a natural phenomenon. There are sounds that soothe, sounds that disturb and stress, sounds that affect our direction, and sounds that destroy our ability to communicate. There are sounds that have been taking place on Earth long before man inhabited this planet—underwater earthquakes, volcanoes, rain, currents and tides, and the sea creatures themselves. These are sounds that cetaceans have grown up with and have learned to live with. But now, there are new sounds—boats, motors, explosions, sonar, and even music. How do these sounds affect marine life? Are there negative impacts? Are there positive impacts? If there are any impacts, how do we study them, use them, learn from them?

Toni mentioned that, in her studies, she has seen evidence of a solitary female beluga possibly imitating the sound of a motor. But Toni questions whether that solitary beluga would dismiss her curiosity about motors and allow her social instincts to take precedence if she was a member of a pod. Jim has observed conclusive reactions by orcas to certain musical sounds introduced into the marine environment. He has heard orcas change keys as he has done so on the guitar. However, he takes a very cautious approach to this type of interaction, making it very clear that he allows the whales to approach him from a distance rather than charging in amongst them and declaring his

presence. He is also concerned about those that may copy what he is doing without proper understanding and sensitivity towards the species.

The panel brought attention to what our role should possibly be regarding underwater sound and how this role might affect the marine environment. The panel also addressed what we might be able to learn from how cetaceans communicate with each other and their curiosity with man. There was obvious unanimity among the panel concerning the need to continue studying the effects of man-made sounds. But the key question raised was, "At what thresholds?" There are sounds that are passive or have a "temporary threshold shift" at which noise is heard but which have no real negative or positive reaction. However, if studied and experimented in the proper context, we could possibly see a positive reaction to this type of noise. Another category of sound is that which masks other sounds, such as boat noise. Finally, there are also those sounds that cause a "permanent threshold shift," which David



*Jim Nollman, Dr. David Bain, and Dr. Toni Frohoff speak at **Orcas and Underwater Sound: Motors, Measurement, & Music**—the November program in our *Speaker Series 2000*.*

describes as sounds that cause potential permanent destruction. An example is the U.S. Navy's LFA (low frequency sonar) experiments, which can result in permanent hearing loss, and even death, to cetaceans as well as humans.

So what does all of this mean? Do the environmentalists calling for a total ban on anthropogenic noise in the oceans have a leg to stand on? Are those who cry foul to any type of experimentation have a valid point or is there a way to approach this extremely fascinating and delicate area of acoustics with real purpose and meaning? The conclusion of

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the panel was that we need to continue to learn about and interact with cetaceans, but only with a very organized, thoughtful approach. What do we need to learn? What are the best approaches to take? Jim commented that “industry will take advantage of undocumented scientific analysis... scientists have a lot to bear in order to take the initiative in

doing acoustic studies.” Toni said, “We need to know and understand the biology and behavior of species and learn about the cumulative effects of noise in the marine environment.” David concluded, “We must have a vision that has a benefit for the species.”

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## Serenading the Whales

On January 16, 2001, *60 Minutes II* aired the story *Serenading The Whales*. Correspondent Vicki Mabrey talked with ACS/Puget Sound’s very own Fred West, Special Events Chair. Fred is also the director of Seattle’s City Cantabile Choir, the choir that performed *OrcaSing 2000—An Elegy for “Everett” and His Family* (see *Whulj*, Volume 1, Issue 3, for an article about the event).

Vicki attended *OrcaSing 2000* and spoke extensively with Fred about the event. She also talked with Joe Olson, President of ACS/PS, about the way that the concert was being broadcast to the whales and how he was recording their reaction. Also interviewed for the story was Jim Nollman—author, conceptual artist, head of Interspecies Communications, and a panel member at our November program in ACS/PS’s *Speaker Series 2000* (see this issue of *Whulj* for an article about the program). Vicki also spoke with Roger Payne, a researcher who studies the sounds of whales.



*A shot of Jim Nollman serenading the whales from the CBS 60 Minutes II story that aired recently.*

For more information:  
<http://cbsnews.com/now/story/0,1597,264144-412,00.shtml>

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## YOU CAN HELP US MAKE A DIFFERENCE

Would you like to become more actively involved in the Puget Sound Chapter of ACS? We would love to have your help. Our board members chair various committees and we need volunteers from the general membership to assist with committee activities. Any amount of time you can donate will help to protect marine mammals and is greatly appreciated.

There are a number of ways in which you can help. The **Newsletter** committee can use assistance with folding, posting, etc. We need help preparing informational literature and setting up for our **General Meetings**. There are numerous pressures affecting the marine mammals of *Whulj* and your input to the **Conservation** committee can be quite valuable. We need help developing and disseminating our **Educational** information for both children and adults. Finally, **Membership** is critical to the success of our organization, so we always need assistance in recruiting energized members.

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LABEL

## *Speaker Series 2001*

### **Keet Shu-ka: An Indigenous Tribute to Killer Whales**

by

**Ann Stateler and Odin Lonning**

*Naturalist/Educator*

*Tlingit Artist/Educator*

Finding optimal solutions to the serious problems facing our killer whales calls for multifaceted approaches. As Native people, we see profound connections between Tlingit culture, Native science and Northwest Coast orca societies. Southeast Alaska's Tlingit revere orcas. In our presentation, Keet Shu-ka, we supply insights about Tlingit culture and an indigenous perspective on killer whales. We incorporate Tlingit art, song, dance and regalia with video ("The Origin of the Killer Whale" story) and discussion about local orca issues. Keet Shu-ka means killer whale ancestors, descendants and their images in crests, stories and art.

**Wednesday, March 7th**

**Odyssey - The Maritime Discovery Center**

**2201 Alaskan Way, Pier 66**

**Seattle Waterfront**

**Next to Anthony's Pier 66 Restaurant**

**Parking is available on Alaskan Way or in the pay lot across the street**

Doors open at **7:00 pm** • Program begins at **7:30 pm**

**Admission is FREE**

**For more info call: (206) 297-1310**

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