

GreenWorld

236 West Portal Avenue, #195
San Francisco CA 94127

24 February 2007

To: Carlos Gutierrez
Department of Commerce
Washington D. C.

Administrator
National Oceanographic and Atmospheric Administration
Washington D. C.

Re: NOAA's Final Action to Bifurcate the Global Northern Right Whale Populations into Two Separate Individual Species.

To the Above Parties:

GreenWorld and I oppose NOAA's decision to re-list the populations of the Northern Right Whales as two independent species for designation as listed species under the Endangered Species Act. On 27 December 2006, NOAA published a notice in the Federal Register that announced its decision to re-list the Northern Right Whale as two separate species. There is no scientific basis for such a re-listing. No independent scientist in history has ever proposed such a taxonomic scheme. The Pacific and Atlantic populations of Northern Right Whale are morphologically indistinguishable by the most trained expert in marine mammals. The sole basis of NOAA's proposal is research conducted by a single group of geneticists without any taxonomic experience at all. They were funded by NOAA to deliberately produce the intended result of showing some modest difference in the genome of populations of Right Whales. These modest differences cannot be interpreted scientifically support the existance of three Right Whale species. In fact, it supports the opposite conclusion. The global populations of Right Whales are in reality a single species. We demand that NOAA designate all Right Whale populations as a single species with the common name of Black Whale as a listed species under the Endangered Species Act. All of the species of great whales in the world are each recognized as a single species except for the Right Whale. There is only one species of Humpback Whale in the world. Genetic analysis has shown greater diversity in global populations in this species than in Right Whales. If anything NOAA should correct past mistakes in classification of the Right Whales and recognize the world populations of Right Whales as constituting a single species of whale, like all other species of great whales. The proposed relisting by NOAA has no possibility of serving the conservation needs of any Right Whale population. NOAA offers no such analysis in the proposal in the Federal Register. NOAA has no funding to produce two separate conservation programs for Right Whales. NOAA has failed to appoint recovery teams for any whale species. Its conservation efforts on whales are so modest as to not require the detailing of assigning a separate effort for different populations of right whales. It does not do this for Humpback Whales or any other species of whale. It has produced only one recovery plan for

every species of great whale except the right whale. Why? NOAA felt the need to treat the Pacific Northern Right Whale population differently as far back as the adoption of the first recovery plan and clearly for factors that had nothing to do with the conservation needs of the whale. It was clearly based on arbitrary and capricious political and economic concerns about the Pacific population of these whales.

At this time, we demand that NOAA hold a Public Hearing on this issue in Boston MA and Washington D. C. This message is sent after the deadline that you posted for these said requests. However I still ask for the said Public hearing and see no reason why asking for a Public hearing at this time should be denied merely for not being made by an arbitrary and capricious date set by NOAA.

This letter is also a notice pursuant to citizen suit provisions of the ESA, that at least sixty days from today, GreenWorld and I will bring suit against NOAA to stop it from re-listing the Northern Right Whale and designating its populations as two separate listed endangered species under the ESA. You may also consider this as a formal notice under the Federal Torts Act as a claim of injury by us of NOAA's negligent carrying out of ESA's non-discretionary and mandatory duties under the ESA in regards to listed species of large whales, including the Northern Right Whale, Southern Right Whale, Humpback Whale, Fin Whale, Sei Whale and Blue Whale. This negligence has caused much suffering and injury to us personally, including the loss of our aesthetic enjoyment of our immediate environment. This is also a petition pursuant to the ESA and the Administrative procedures act to list the global populations of the Right Whale as a single species with the common name Black Whale.

I would be glad to discuss these petition/notices with you. I await your reply to these petition/notices.

In Peace,


Richard Max Strahan
National Campaign Director
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