



# Whales Alive!

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## BP AFTER THE TRAGEDY LEAVING THE SCENE OF THE CRIME

*By Taffy Lee Williams*

From the website of BP's cleanup company:

Plant Performance Services has been proud to support the Gulf Coast cleanup and recovery efforts in response to the Deepwater Horizon incident. Since May 2010, P2S has provided beach cleanup services, warehousing and logistics management, and wildlife observers as part of the response and recovery program. Effective Sunday, September 19, P2S's beach cleanup work has come to an end.<sup>1</sup>

Can this be true? Just five months after the biggest oil spill in our nation's history, the perpetrators are pulling out? Local fishermen whose livelihoods were swept away by the spreading plumes of spilled oil were hired by BP to work in cleanup crews, and promised that work until not a trace of oil remained. Now, incredulously, BP would have us believe the gulf is cleaned up, despite data and physical evidence to the contrary.

September 23, 2010. "There is still oil covering Louisiana wetlands. Thousands of birds and fish have lost their nesting grounds, the effects on the ecosystem of almost 2 million gallons of Corexit dispersant and 5 million barrels of spilled oil are still unknown, and there are still vast areas of the Gulf of Mexico that is [sic] unsafe for fishing. But as far as BP is concerned, they are

done with their clean up of the 2010 Gulf of Mexico oil spill.<sup>2</sup>

The BP disaster has exposed the insidious and epidemic collusion between big business - in this case the oil industry - and the US government to essentially nullify the laws that impede their profits and progress. In order to save time, BP skipped certification of the blowout preventer, which was found to have design flaws, leaks in the hydraulic system and even a dead battery. A litany of deep sea equipment failures and faulty wiring plagued the rig, and conflicting pressure test results indicated poor pipe integrity. BP failed both to redirect the flow of flammable gases and remove drilling fluids necessary for accurate readings.<sup>3</sup> Where was oversight in the face of so many problems on the rig, and in light of BP's dismal safety record? (BP has been fined by OSHA 760 times!) Now, despite the resulting ecological nightmare in the gulf, fearing little government interference, BP is choosing to simply walk away. With so much at stake, the future health of the gulf and all its residents who must deal with the remaining 4 million barrels of oil dispersed through the region, the abandonment should be treated as one of the highest level crimes against the American people.

September 20, 2010: At least 200 beach cleanup workers in NW Florida are without a job. P2S contract employees showed up for work yes-

terday morning and found out BP has dismissed them.... Workers were told they had already gone and BP needs to cut back. Cleanup employees say tar balls are sitting just an inch or so below the surface and the wind brings it to the top of the sand.<sup>4</sup>

Where is the Coast Guard? Where are our elected officials? Where is the White House in the face of this outrage? Even as BP packs its bags, it is maintaining an easy control, and the cover-up continues. Federal officials recently stopped a reporter looking for oil on Florida beaches from digging on the beach. At the Gulf Islands National Seashore, WEAR ABC3 reporter Dan Thomas had dug less than a foot into the sand and found blotches of crude. Federal authorities told him he was not allowed to dig below 6 inches.<sup>5</sup> Anonymous clean-up workers are also reporting that BP has dumped clean sand over oiled beaches, and stating now that they are “oil free” the cleanup is over.

One of the spill’s more blatant government-industry collusion blunders was the NOAA announcement in early

August that 75% of the oil spilled was “gone”, either skimmed away, evaporated, burned off, or broken down naturally. The assertion was quickly blasted by scientists from the University of Georgia and around the world. Coast Guard commander Thad Allen, who later stepped down from his post, stumbled through his explanation of the government’s math even as he was hit with studies that showed in fact the reverse was true: 75% of the oil was and is still out there, below the surface, on the ocean bottom, in droplets and plumes throughout the water column, sopping through the marshlands, under the newly applied white sand on the beaches, in the atmosphere, on the canyons’ floors, inside and on the bodies of the plankton, fish, birds, turtles and marine mammals of the gulf.... continuing to devastate the region and what was once the source of 25% of the nation’s seafood.

## OIL AND DNA MUTATIONS

In the meantime, scientists are hoping to study how the sperm whale population living in a canyon near the drill site is coping, assuming they survive, as an indicator of the future of all creatures in the Gulf of Mexico. There is concern that the hydrocarbons and pollution will damage their DNA, making reproduction impossible. One toxicologist compared whales in the water to people on land:

“They’re people in the Gulf, if you will,” said John Wise, director of the Maine Center for Toxicology and Environmental Health at the University of Southern Maine. “They’re mammals, we’re mammals. So they represent us. The way it affects them is the way it could affect us.... The thing that I worry most about is, what is this pollution doing to their DNA?” Wise said. “If it damages their DNA...they’re not going to be able to reproduce. Now you’re really decimating the population at a pace that you can’t recover very well.”<sup>6</sup>

University of Southern Florida researchers have already found DNA mutations in the fish from the spill area.

They discovered plumes of dispersed oil at the bottom of an undersea canyon about 40 miles off the Florida panhandle. It was found to be toxic to microscopic sea organisms, causing mutations to their DNA. If this plankton at the base of the marine food

### *Whales Alive!*

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Editor: Brent S. Hall

CSI is an all-volunteer, non-profit, tax-exempt conservation, education, and research organization with contacts in over 25 countries. Our goal is the “optimum utilization of the whale 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.

Cetacean Society International  
P.O. Box 953, Georgetown, CT 06829 U.S.A.  
Phone: 203-770-8615 Fax: 860-561-0187  
E-Mail: rossiter@csiwhalesalive.org  
Web: [csiwhalesalive.org](http://csiwhalesalive.org)  
CSI is a member of WhaleNet

President: William W. Rossiter  
Vice-President: Brent S. Hall  
Secretary: Jessica L. Dickens  
Treasurer: Barbara Kilpatrick  
Director Emeritus: Robbins Barstow

chain is contaminated, it could affect the whole ecosystem of the Gulf.<sup>7</sup>

USF microbiologist John Paul calls plankton the “canaries in the coal mine.”

“The oil is out of sight as far as the surface is concerned and there are no tar balls on the beaches and the birds are not getting coated in oil but the story isn’t over. The problem with mutant DNA is that it can be passed on and we don’t know how this will affect fish or other marine life,” he says, adding that the effects could last for decades.<sup>8</sup>

A NOAA study concluded that if just three of the Gulf’s sperm whales were killed unnaturally, the long-term survival of the population of even over 1,000 whales would be jeopardized.

The loss of a handful of whales each year can impact a population of hundreds, because sperm whales — especially females — require a very long time to reach sexual maturity. Females then give birth to just three or four calves during their entire lifetimes.

“They’re like humans. Most of the human population is not going to have six kids at once and do that every year,” Godard-Codding said.

“As soon as we get to the level of three deaths caused by human interaction — and this would include the oil spill — that would jeopardize that particular sperm whale population.”<sup>9</sup>

With respect to whales, we know that 40% of the orcas in Prince William Sound were lost after the Exxon Valdez disaster, and two decades later, the population has not yet recovered. Marine biologists in Alaska are predicting that killer whale population will likely go extinct in a few decades since so many females were lost and they still haven’t caught up. This prediction does not bode well for the survivors of the 28 long-lived cetacean species in the Gulf of Mexico who surely must be suffering - inhaling hydrocarbon-laden surface air, scavenging through oiled and ailing prey and surviving in the oil-stricken world that was once their viable home.<sup>10</sup>

NOAA’s marine mammal stranding coordinator Teri Rowles has said,

“Deep-diving whales, like sperm whales living

away from the shore” — and thus closer to the main body of the oil slick — “certainly have been exposed,” she added. “Finding dead or affected whales will be difficult, however, because the animals spend most of their time underwater, and their bodies do not often wash ashore.”<sup>11</sup>

## FAR FROM OVER

People who once depended on the Gulf’s rich ecosystem for their living and who witnessed the devastation first hand know that the disaster is far from over. They must now recover physically and economically from the ill effects of this massive crude spill, to rebuild coastline businesses wasted by the prolific plumes of oil and dispersant-tainted waters. Witness the physical trauma, and apply this experience to what marine mammals and other wildlife are having to endure in this account from an anonymous BP cleanup worker. She describes how she and her husband were sprayed directly with dispersant:

At night, there were airplanes above us, without lights, and they were spraying heavily... A good bit of us trawlers, the fishing boats, thought the boats were on fire... We kept smelling burnt wire, we didn’t realize it was the smell of arsenic. It’s the chemicals that were being sprayed that left that smell. ...

Our lungs filled up with fluid, and we had to get up because we can’t breathe... terrible, terrible headaches, skin lesions. I want to live to see my granddaughter... People, we really need help... Any claim, any illness, they won’t even take calls... BP will not give any information out. We were denied a copy of our own incident report... This is beyond the wages now, we just want medical help. (September 30, 2010)<sup>12</sup>

Injured parties may ultimately find reparation through the court system. But does BP have its hand in the courtroom pie as well? Six of the twelve judges assigned to the New Orleans federal district court recused themselves from spill-damage lawsuits due to personal relationships with the companies involved or their attorneys, or with oil investments. In fact, US District Court Judge Carl Barbier was appointed to oversee the oil-spill related lawsuits only after he sold his investments in the disaster’s companies in June, 2010. Through his record of investments, Barbier has been oil industry-friendly. Relinquish-

ing his holdings only for the sake of the BP case does not reassure those seeking unbiased, clean judicial response.<sup>13</sup>

In fact, Edward Sherman, who teaches class-action and complex litigation at Tulane University, recently said it might be difficult to find federal judges in Louisiana free of potential conflicts of interest.<sup>14</sup>

On September 16, the hearings began. Judge Barbier, who is handling 400 spill-related cases, said BP will face thousands of lawsuits and thousands of plaintiffs. BP may succeed in delaying litigation even as the three companies, Transocean Ltd., Halliburton and BP, continue to blame each other for the accident. While whales and fish, birds and turtles can't walk into a courtroom and testify to their misery, several suits have been filed on their behalf. The Center for Biological Diversity filed seven lawsuits including the biggest clean water litigation in history. The Gulf Restoration Network, Louisiana Environmental Action Network and Environment America have also sued for Clean Water Act violations, for BP's failure to remove the oil and measure the flow of the plume.

“Remove does not mean hiding oil beneath the sea surface or leaving it to naturally decay,” Joel Waltzer, an attorney representing the groups, said in a news release. “Remove means take away. If BP can remove oil from miles beneath the earth, under 5,000 feet of water, it can remove oil plumes from the gulf.”<sup>15</sup>

Michael Jasny, a sort-of legal whale-man for the NRDC, recently said,

One policy that must be changed is the government's astonishing disregard of its own wildlife laws. Each year the Interior Department approves hundreds of drilling plans and exploration permits for the northern Gulf without taking step one to comply with the Marine Mammal Protection Act and Endangered Species Act. These laws are important because they require the government and industry to take every practicable measure to reduce harm to wildlife. In the Mississippi Canyon, this could well have meant capping the sperm whales' exposure to seismic blasting and taking additional precautions against the risk of an oil spill in their nursery.<sup>16</sup>

The NRDC has filed numerous lawsuits aimed at restoring wildlife law in the region, including challenging the government's “free-wheeling approach to seismic

surveys” required to locate oil.<sup>17</sup>

To search for deep deposits of oil, industry trolls the ocean with high-powered airguns that, for weeks and months on end, regularly pound the water with sound louder than virtually any other man-made source save explosives. These surveys have a vast environmental footprint, disrupting feeding, breeding, and communication of some endangered species over literally hundreds of thousands of square miles. For the Gulf's sperm whales, they mean less food: even moderate levels of airgun noise appear to seriously compromise the whales' ability to forage.<sup>18</sup>

### **27,000 ABANDONED WELLS COULD BE LEAKING**

The ticking time bomb: over 27,000 abandoned oil and gas wells remain hidden in hard rock beneath the floor of the Gulf of Mexico, but no agency or company is monitoring whether they are leaking or not. The oldest of these neglected wells dates from the late 1940's, making it likely that seals and infrastructure are already deteriorating.

Investigators have found that 3,500 of these non-functioning wells have been designated “temporarily abandoned.” If a well receives this status, owners are required to provide plans to reuse or permanently plug the well, a rule that is habitually ignored. In fact there are over 1,000 wells that have been in an unfinished condition for over 10 years. Approximately 75% of abandoned wells have been in that condition for over a year. More bad news:

BP's Deepwater Horizon rig was being sealed with cement for temporary abandonment when it blew April 20, leading to one of the worst environmental disasters in the nation's history. BP alone has abandoned about 600 wells in the Gulf, according to government data.<sup>19</sup>

BP faces tens of billions of dollars in liabilities, has spent \$11 billion on response, and \$20 billion for a victim's compensation fund. It expects to sell \$30 billion in assets to cover the spill costs. But even this is “chump change” to a company that earned \$66 million in profits per day during the first quarter of 2010.

It's difficult to see what incentives there are for BP to operate in a safer and more environmentally

conscious manner when the consequences for causing even such a catastrophic crisis as this one are so negligent.<sup>20</sup>

Public condemnation of the disaster and the government's cooperation with BP is widespread and deservedly harsh. BP may ultimately escape any meaningful punitive measures for its lawlessness, and is unlikely to be deterred in future activities. Even the oiling of hundreds of miles of beaches, the creation of oil-heavy dead zones, and the demise of the gulf coast's fisheries and wildlife may not deter BP's pattern of negligence. This disaster in the gulf is an assault against the American people. Environmental Correspondent Julia Witty, in *Mother Jones* writes:

Far offshore, far from sight, far beyond the typical royalty-paying boundaries, BP and its partners have transformed themselves into modern-day pirates, operating beyond law or conscience. Their reckless quest has endangered and perhaps condemned not just the Gulf Coast, but the largest, richest, most pristine, most biologically important, and last completely unprotected ecosystem left on Earth: the deep ocean.<sup>21</sup>

BP's Deepwater Horizon catastrophe has "thoroughly disinterred" how environmental and safety regulations are swept aside and routinely ignored.<sup>22</sup> Despite the scope of this disaster, BP now brazenly walks, apparently without government intervention. If neither the moral imperative or financial incentives, nor the might of the US government can compel BP to finish its cleanup work in the gulf, what hope is there for any measurable expedient recovery?

Rikki Ott, a marine toxicologist who worked extensively on the Exxon Valdez oil spill, bemoans the government's complicity in BP's criminal actions.

Here in the United States, the spiller-in-charge wages a very different war. It's a war to minimize the spiller's legal liabilities, which means it's a war against the truth, the injured people, and the environment. Each decision the spiller makes is filtered through the lens of accounting rather than accountability. BP's every act is motivated by its desire to reduce its legal and financial liabilities – as was Exxon's after the spill in Alaska. This is not a moral judgment, it's just a point of fact. It's how things work in a system where corporations have one legal rea-

son for being: to make money.<sup>23</sup>

## NOTES

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## IWC Update

*By Jessica Dickens, CSI Board*

Summary of events since the IWC meeting in Agadir, Morocco in June:

- Iceland and Norway have wrapped up their North Atlantic whaling season for 2010 and here is a summary of the whales taken: Iceland – killed 127 fins and 50 minke this year – highest take since 1985. Norway – had set a record high quota of 1,286 whales, but they ended up killing 464 minke – even fewer than last year.

- Iceland is trying to negotiate entry into the European Union, which the whalers are trying to block, but the EU does not approve of Iceland's continued whaling or the export of whale products to Japan.

- Even more bizarre Iceland news: Apparently, per a WDCS report, whale oil is being used to fuel the vessels used by the whalers.

- Even stranger Icelandic news: Rumors were swirling that the Association of Minke Whalers (*Hrefnuveiðimenn*) had received a license to carry passengers on their whaling vessel to start whale watching tours while killing whales at the same time. Luckily, no such licensing has occurred.

- Greenland was not supposed to begin their humpback whale hunt until October – to allow for the 90-day grace period following the IWC vote in June that gave Greenland an aboriginal subsistence quota to take 27 humpback whales. However, under their domestic laws, Greenland is going to start the hunt earlier. Rumor is that they have already taken one humpback whale. Again – this is supposed to be an aboriginal hunt, but evidence indicates to the contrary that the meat is being sold commercially in supermarkets.

- Japan has stockpiles of surplus frozen whale meat

that they are going to use in their school lunch programs to feed children.

- Japan will host a meeting for pro-whaling nations in November to discuss the sustainable use of whaling resources and lifting the ban on commercial whaling.

### IWC Leadership News:

- Cristian Maquiera resigned as IWC commissioner for Chile.

- Dr. Simon Brockington has taken his place as IWC Secretariat.

- Sir Geoffrey Palmer is no longer the IWC commissioner for New Zealand – goodbye to one of the lead authors of the 10-year compromise deal to legitimize commercial whaling and give the whalers what they want.

- Anthony Liverpool is still acting Chair of the IWC, despite the scandal surrounding his expenses being paid by Japan.

**A Commentary on Deals, Compromises and Capitulations Regarding Whaling** is the latest blog by Sidney Holt, whose accomplishments would fill this newsletter if we tried to list them. Instead we provide this link to his blogs, provided by the International Fund for Animal Welfare, and hope that they get it posted quickly: <http://www.mywhaleweb.com/?author=17>. This last blog is a classic; fascinating reading for anyone wondering why the IWC is so dysfunctional.

## Faroe Islands Whale Killing

By William Rossiter

**Whales and dolphins continue to be slaughtered in the Faroe Islands** at a record pace. 983 cetaceans have been killed since June 5th, 969 pilot whales and 14 Atlantic white sided dolphins. Months before the mind-numbing surge began 21 Risso's dolphins were killed in April. CSI is one of several NGOs collaborating on strategies to end the drives, *and we need your help*. It's our hope *Whales Alive!* readers will connect us with experts for outside the box solutions. No, this is not about money, or even specifically about saving whales. We need experts in behavior modification and documentary production.

**Mother Power** is our quest. We want to reach and engage mothers about the health implications from eating contaminated whale meat. The Faroese don't care about the whales, so let's work on their perceived self-interest, the prime mover of any society. Forget the old men who defy the odds to prove something. Focus on mothers, well proven to be capable of changing almost anything that threatens what's most precious to them, their children and families. This focus may already be having an effect, perhaps due to initial educational efforts, but obviously not at the needed scale. There has been the increasing criticism of the drives by Faroe Islanders. People have complained recently that only 10% of the meat is used by the people doing the killing, most has ended up in storage and evidence for illegal commercial sales is increasing. This doesn't mean they care about the whales.

Here's one big problem: the August 2008 health risk statement by the Faroe Islands' Chief Medical Officer and Chief Physician was never formally recommended by the government. They stated, in part, that "*pilot whales today contain contaminants to a degree that neither meat nor blubber would comply with current limits for acceptable concentrations of toxic contaminants...*" and, "*[I]t is recommended that pilot whale is no longer used for human consumption.*" A recent scientific paper ("Serum Concentrations of Antibodies Against Vaccine Toxoids in Children Exposed Perinatally to Immunotoxicants") demonstrating immune suppression was based on a study of 587 Faroese children. For years it's been clear that consumption of pilot whale meat and blubber has detrimental effects on the development of fetal nervous and immune systems, and increases the risk of Parkinson's disease, hypertension and arteriosclerosis of the carotid

arteries in adults. Do Faroese mothers know these facts?

Another big problem is our inability to grasp the underlying motivation for the whale and dolphin slaughters, which makes the Faroese one of the Earth's most unique populations. Superbly adapted to living in a harsh environment, remote enough to be free of any outside influence they choose, intentionally isolated by language and custom, the proud population of only 49,000 people enjoy a modern and affluent lifestyle, with a literacy rate over 90% and a superb educational system requiring children to be fluent in Danish and English. So why do they act like Vikings, hacking away at panicked whales and dolphins trapped in shallow bays, just as their Viking forebears attacked people throughout the region a millennium ago? If you can stomach some proudly posted YouTube videos, note how they scream down the beach on the signal to attack, all blood-lust and laughter.

There are poor societies where subsistence hunting is as brutal, because everyone's life is so miserable that mere survival doesn't allow caring how an animal dies. There are rich societies that isolate and industrialize slaughters, where cost defines welfare considerations and products are disguised in packaging. There are societies where people believe animals want to die for them, and others that won't kill any animal. But is there any other society like the Faroese? We see their videos as real-life horror movies; they see them as happy memories of summer fun and children coming-of-age. We really need to understand these people if we are to save whales.

Meanwhile, even assuming increasing waste, a conservative estimate would be approximately 482 tons or 418,000 kilograms of contaminated meat has been processed from the 983 whales and dolphins. Comparatively little has been eaten so far; there's just too much of it. Most has been stored, enough to feed every one of the almost 49,000 Faroese Islanders, including babies, at least 16.3 pounds or 7 kilograms of more contaminated meat this year, with more to come.

CSI chooses not to include pictures of the slaughters. They're easy to find. Instead, here's the peaceful bay at Tórshavn, where 125 pilot whales have been killed since July 2nd. Let your mind's eye do the rest.

Thanks to the expertise of our Danish and Swiss associates, CSI was one of 13 organizations that in August produced a formal statement regarding the kills, which will be included on the CSI web site, along with a graph



Photo: mynd: [www.heimabeiti.fo](http://www.heimabeiti.fo)

of 2009 and 2010 drives maintained by OceanCare, Switzerland. Only a true optimist can say that the increasing interest and concern by some in the Faroe Islands government produced by this statement and other efforts could produce a long term change, but we have to try; the short term and bloody realities of the drives may have shaken off most advocacy efforts this year, even the pingers.

CSI applauds the brilliant use of pingers, intended to deflect cetaceans away from drive locations. In August two Germans, Juergen Ortmueller from the Whale and Dolphin Forum (WDSF) and Andreas Morlok of ProWal announced they had deployed pingers while posing as fishermen, even renting a speedboat from local villages. They first had invested time in gaining the confidence of Faroese fishers, but they were at great personal risk had their purpose been uncovered. Bragging men told them stories about the “feats” witnessed by the two activists. One July slaughter started by herding “several hundred” whales into a very small bay only 10 x 20 meters in size. Impossible to imagine, but this may have been the Klaksvik slaughter of 228 pilot whales on 19 July. The trapped, crammed whales were known to include pregnant cows, and all suffered until the killing began in the early morning. Also in August the Sea Shepherd Conservation Society sailed the *Golf Azzura* around the islands, deploying pingers even as the Faroese homepages complained. While there was no direct evidence that the cetaceans avoided any of the pingers, which were said to sound like orcas, no whales and dolphins were attacked in the general region of the deployments. The Faroese, however, immediately began a search and destroy effort for the yellow-orange pingers, which took resources away from potential hunts. So what about stealth deployments

of camouflaged pingers?

There is nothing secret about the drives; videos from the Faroese media are often posted to YouTube. Faroese web sites in fact list kill statistics back to 1584, and records go back to the 9th century. While their media reports on most drives, very few non-Faroese understand the unique language, a defining factor for anyone trying to understand, much less affect the slaughter of whales and dolphins in the Faroe Islands.

Very few drives were conducted in 2008 and 2009, but since June drives were launched for every accessible group of cetaceans. Every village authorized to conduct drives has been on alert for anything that passes. The drives appear to be driven by tradition, free food (or a chance to profit illegally by selling it), social pressures, resentment at outside pressures to stop, and purposely ignored health warnings. Their 2010 “quota” has been everything they can reach. Why? We simply don’t know, but here are some guesses.

- The Faroes are so nationalistic that they resent and defy any outside pressure; perhaps this is a “let’s show them” response. As an autonomous province of the Kingdom of Denmark they make their own decisions save for international and defense affairs. Denmark’s central government has been unable to deal with the province’s whaling and mackerel issues, and even diplomats and embassies now are making efforts to avoid discussing the problems caused by the brat in the family. The resentment reaction, to kill more whales, seemed supported by some Faroese comments and the killing lull between August 2007 and January 2009, corresponding to a pause in outside protests. That’s why CSI in July’s *Whales Alive!* asked for your help to stop the viral email about a worthless petition to end the killing that might instead have incited villagers to kill more whales.

- The volume of cetaceans passing close enough may have surged since June, when whales began to seek sheltered areas for calving, perhaps because of a population boom of mackerel. Super-abundant mackerel have prompted Iceland and the Faroes to catch so many that they are in a roaring conflict with other Northern EU fishers concerned with unsustainable takes. Even the EU’s Agriculture and Fisheries Council has been befuddled by the unilateral and greatly increased quotas. The whales and dolphins, which may just be following their prey, could include North Sea populations, which are listed in Appendix II of the Bonn Convention of Migratory Species. But as you might suppose, the Faroese don’t respond well to international constraints.

- The migration and foraging routes of cetaceans may

have shifted closer as a result of climate change. This summer's Arctic sea ice extent fell more than 25% below the 1979-2009 31-year average. June-August global land surface temperature was the warmest on record, a full 1 degree Celsius above the 20th century average of 13.8 C. Arctic sea ice volume (extent and thickness) reached the lowest level ever recorded. Surely the oceanic habitats near the Faroe Islands have been affected. It would be tragically ironic, at least to us, if climate changes were modifying the cetaceans' movements, perhaps altering significant habitats as well. There isn't enough reasonable science to know even if the killing or environmental changes are leading towards massive conservation problems, but it is clear that "sustainable" has no meaning in the Faroes. Put another way, if they try to kill everything they see, but the killing spree slows, might that mean the whale and dolphin populations have crashed?

- Some enterprising entrepreneur may be making a fortune providing the freezer space and distribution needed for several hundred tons of meat and blubber, some of which is getting into the commercial markets.



Photo: Vágaportalurin

Waste is certainly increasing. This image shows pilot whale heads and fins disposed in Sandavagur in late September, the least bloody image we could find. The

killing spree has provided such a glut that some unused remains are not even dumped at sea. Now only meat and blubber are kept. When whales were a survival necessity, many, many years ago, heads were rendered for oil, skulls became walls, fin skin became oar locks.

Reports of failed drives are rare, such as Hestfirdi's attempt to capture about 100 pilot whales on September 28th, apparently because not enough boats had responded. Those failures are very significant, because those whales will now associate those boat noises with danger, and may help others avoid future drives.

As if it needed to be said: Why is CSI trying to stop the drives? Because they are inhumane. Every whale matters. *Whales Alive!* readers may be hesitant to dwell on the suffering involved, but take a moment to imagine what it's like for the whales and dolphins, from the first awareness of noise and panic as the drive starts until death stops the trauma. We make no excuses for empathizing with the whales: CSI is an animal welfare organization first and foremost. This is not a subsistence hunt by people who are trying to survive, but a primitive slaughter by affluent, well educated people, using modern technology to kill whales they do not need.

That's not the way it was before the advent of motorized boats, communications, storage, and paved roads in tunnels between islands and through mountains. The whales probably escaped the sail and oar-limited killers more often than not. If a village killed more than could be eaten and distributed within a day or so it became rotted waste, but more whales would come. The old mindset is driving the drives this year. The enormous glut produced since June is only possible with the new technologies. But the actual killing is so primitive and inhumane that we're not going to discuss it here. Again, the Faroese have no concern for the whales or suffering. So let's focus on what they should be concerned about, their health. Help us find the committed experts needed to reach Faroe Island mothers with a focused documentary based on this simple message: "Let your children suffer for life; Feed your children whales and dolphins."

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## Sheryl Gibney Visits MA

*By William Rossiter*

**Sheryl Gibney, New Zealand's famous "Whale Lady"**, came to Massachusetts in early September. For almost three decades Sheryl has volunteered with New Zealand's Project Jonah, principally as Chief Stranding

Technical Adviser. She's also served as PJ's Chairperson. She holds an honorary Marine Mammal Protection Officers Warrant and full Conservation Warrant, and is an honorary Ranger for her nation's Department of Con-



servation.

As recently expressed by Project Jonah, “Sheryl has been the backbone of our organisation for many years now, not to mention our heart and soul. She has steered our ship through troubled waters on a number of occasions and without her personal investment of time and money over the years Project Jonah may well have sunk beneath the waves.” “Emotionally she has exposed herself to the sadness of mass strandings and has witnessed firsthand the brutal slaughter of dolphins in drive fisheries in Taiwan. By bearing witness to such events and putting herself on the frontline, she has been able to influence others and be a voice for these animals in times of need.”

After more than 25 years of corresponding about cetacean strandings and experiences with whales and dolphins Sheryl and CSI’s Bill Rossiter finally met in Boston, to begin her tour of the region’s whale-related resources. Clearly a student of our early history, and New Zealand’s, Sheryl requested a stop on the way to Cape Cod to tour the *Mayflower II*, berthed on display in Plymouth. No one can come away from that small, cramped vessel without renewed respect for the people who came on the original *Mayflower* to a new life in a new land.

Sheryl was delighted with eclectic Provincetown, still surging with tourists who know that September is the best time of year on the Cape. The Race Point visitor’s center gave her a wide view of the Cape’s tip, Stellwagen Bank, and humpbacks breaching close to shore. Bill tried not to overdo his stories of friendly whales and dolphins, and she may have believed most of them.

Of course a whale watch aboard the *Dolphin VIII* followed, one of Provincetown’s deservedly famous Dol-

phin Fleet. The NE winds prompted so many humpbacks to breach that you could look anywhere and just wait. Peter Trull was our naturalist. A superb teacher and bird expert ([www.wildcapecod.com](http://www.wildcapecod.com)), his enthusiasm for sharing insights included revelations about the *Mayflower’s* anchoring in the natural harbor that would become Provincetown. She only sailed on to Plymouth because of limited resources. A celebratory dinner at Napi’s followed the whale watch.



**Sheryl and Bill cliffside at Highland Light**

The next day began with a visit to the famous Highland Light, which had been moved inland to escape eroding cliffs. The view from the cliffs, where this photo was taken, included a humpback breaching very close to shore, just as so many whales had done during the whale watch the day before. Next came a meeting with Bob Prescott, Director of Mass. Audubon’s beautiful Wellfleet Bay Wildlife Sanctuary and a tour of its most impressive interpretive center. Exploring the Sanctuary’s marsh and bay view trails Sheryl saw parts of the enormous natural trap that has stranded and killed thousands of cetaceans for millennia, the Southern part of Cape Cod Bay. Whether on shore or from the water it’s hard to visualize the scale of the obstacles that coax whales and dolphins into ever more shallow reaches, from gently sloping beaches to mazes of tidal marshes, where tides and confusion cause suffering and death. Near Wellfleet on Route 6 is a highway sign for “Blackfish Creek”, where a quick glance west finds nothing but marsh grass and occasional water. The name is for the hundreds upon hundreds of pilot whales that stranded here, which not that long ago local

people were still exploiting for oil and meat.

Times change, and today any regional stranding gets immediate and sophisticated responses designed to save and release the animals that might make it, humanely end the suffering of those who can't, and retrieve information for a better understanding of strandings and what to do about them. On this Sheryl is an acknowledged world expert.

Sheryl's tour also included comprehensive meetings and briefings with Connie Merigo of the New England Aquarium's Marine Animal Rescue program, Katie Touhey, Emergency Relief Manager for Marine Mammals, Cape Cod Stranding Network, International Fund for Animal Welfare, and Jean Rioux and Scott Leonard of the Nantucket Marine Mammal Conservation Program. She toured the Nantucket and New Bedford Whaling Museums, and took time to sample the unique nature of Southern New England small coastal communities.

Sheryl Gibney is a New Zealand treasure. We hope she had a great time!



## Two Dorsal Fins

**Yes, this humpback whale has two dorsal fins!**

Nicknamed "Oke", because she and her calf were photographed this September in Oke Bay, Bay of Islands, New Zealand, she's also been known as "Spiky" by researchers who couldn't miss her in 2001 as a calf off East Australia. Glimpsed off Vanuatu and New Zealand in 2009, she meandered to Vava'u, Tonga in 2010 before exciting whale watchers in New Zealand. Her wanderings may call into question scientific assumptions about movements between stocks. There are at least three other double-finned humpbacks in the South Pacific, two only seen off East Australia, and a whale sighted near New Caledonia

in 2009.

The North Atlantic community of humpback specialists was quick to grasp the challenge. Often mentioning that they have the world's largest database on the species, they could only produce one double-finned humpback, recorded in 2004 on Silver Bank, off the Dominican Republic. Latin American humpback specialists vowed to win the sudden contest, planning a special catch-up workshop at October's XIV RT (Working Meeting of Experts on Marine Mammals of South America).



**This two-finned humpback and her calf were photographed in New Zealand by Julia Riddle, [www.northlanddive.com](http://www.northlanddive.com).**

With such obvious ID features you'd think there would have been many more sightings of double-finned humpbacks. And why haven't others been noted before this century? What about whalers' logs? What about other

species? As to names like "Spiky", or the almost insulting "Australian Snubfin Dolphin" (*Orcaella heinsohni*) named in 2005, is it possible to be a little more creative next time? Sawback whale won't do.

## SeaWorld and OSHA

**The OSHA Citation against SeaWorld Orlando**, regarding the death of trainer Dawn Brancheau in February from an attack by the male orca Tilicum, took exactly six months to the day of the statutory limit. The most egregious charge was the *willful* exposure of SeaWorld employees to struck-by and drowning hazards when interacting with killer whales. OSHA defines a willful violation as one committed with plain indifference to or intentional disregard for employee safety and health, fining SeaWorld \$70,000. While SeaWorld's legal muscle used to fight this citation has cost far more than this relative pittance, the fine and "willful" citation is a serious blow to the corporate giant's image.

A "serious citation" was issued for exposing employees to a fall hazard, with a fine of \$5,000, when death or serious physical harm is likely to result from a hazard about which the employer knew or should have known.

CSI remains focused on this investigation and the legal tornado surrounding it, because it may affect the livelihood of captive whales and dolphins everywhere. It's all about how much display facilities can get away with. SeaWorld presents themselves as #1, the standard by which others are judged. It took the tragic death of a young trainer to make it happen, but SeaWorld is finally being judged for what's behind their wall of secrecy and deception.

We're concerned only with the welfare of the cetaceans held or transported for display. The lawsuits, media coverage and OSHA investigation have wider concerns, but continue to give us some of what we want to know. The reason no one may ever know the complete truth about SeaWorld is because the corporation has invested as much or more in lawyers as in their main display tank. Their legal maneuvers have been audacious and recalcitrant, obstructing and obscuring, and most of all, successful with hiding the truth. There are a lot of legal dramas on the television

these days. We suspect the real life legal dramas surrounding SeaWorld top them all. All we want to see are the facts, such as their care and maintenance standards, promoted as the best in the world, but locked away as "trade secrets". The obsessive secrecy suggests some real problems. Even their records of captive breeding are classified; what do they have to hide? Have mistakes been made?

We were already impressed in 2007, after witnessing SeaWorld San Diego's audacious edit of a California OSHA investigation of an orca's attack on a trainer. We noted how quickly the Orlando investigation disappeared from view, and then took the maximum time to complete. We suspected heavy pressures on OSHA from all the friends SeaWorld could muster, and had to guess what might be happening behind the scenes. But we were too kind. OSHA did have to contend with SeaWorld staff and lawyers refusing or delaying access to information that the investigation required, such as interviews with witnesses and staff. We didn't expect so much lying, deceit, all the juicy stuff. At least two high-ranking whistle blowers have come forward, a wrongful death lawsuit has been started by the family of the killed trainer, and other lawsuits are coming, unless they are stifled somehow by the lawyers. Still, facts about wrongdoing are oozing out from under the carpet, and even if SeaWorld's attorneys work magic the corporate images has been blackened. When the dust settles is anyone likely to be any closer to knowing the truth about how SeaWorld maintains their whales and dolphins? We hope so, because we'd like to see SeaWorld and the rest of them shut down.

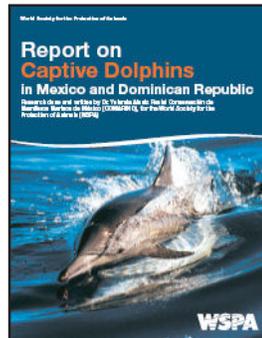
One way to do that is to show the people who pay to see the show what really happens behind the scenes, at SeaWorld and wherever dolphins and whales are on display for entertainment. Those people are the real problem. Will they care enough to stop buying tickets?

## Report on Captivity in Mexico and the Dominican Republic

By William Rossiter

### Report on Captive Dolphins in Mexico and Dominican Republic

is a new, evocative and exhaustive study of how dolphins are captured, traded, maintained and displayed. The clear and detailed facts build an undeniable case against captive display, dolphin assisted therapy, and swim-with-the-dolphins exploitation but the underlying purpose of this remarkable work is the ethical evolution of society's perspective of the true worth of a dolphin, and of all living things. The facilities are representative of all Latin American facilities, not just the two countries where facilities were studied. The book will be released in Spanish and English digital versions, and CSI hopes to make them available on our web site or on request.



No other person on Earth could have written this report but Mexico's Dr. Yolanda Alaniz Pasini, of Conservación de Mamíferos Marinos de México (COMARINO). Yolanda's qualifications, abilities, experience, and influence are unique among the many people working for marine mammals. She has produced profoundly positive changes within Mexico and around the world, and her pace is just accelerating. She is a leader by example, but no one can keep up with her.

Nor could the report have been written without the support of the World Society for the Protection of Animals (WSPA). Marcela Vargas, campaign Manager for WSPA Costa Rica, is an inspiration to so many, but few *Whales Alive!* readers will have heard of her. Simply put, she makes very good things happen. This book is an excellent example.

The Report's Forward sets the tone:

Western culture is inherently very different from Eastern or West Indian native beliefs. While in most of modern occidental cultures it is a common place to use animals only as tools for some purpose, even ec-

centric or vain ones, in some ancient philosophies to hurt an animal was considered violence beyond justification. No end justifies a violence against any sentient being.

This cosmivision is called "*Ahimsa*", the virtue of practicing non-violence, which begins with an inner decision not to kill or harm a sentient being by thought, word or action. If A-hims is not to harm, Himsa is the act of harming, to be violent or kill.

This book describes the inherent Himsa of dolphinariums in Mexico and the Dominican Republic, but represents all captive displays. The research made in both countries required fieldwork in every one of the facilities, as well as acute observation of and contact with dolphins (and sea lions). Facilities are designed and built for humans, not for dolphins. All the activities in which dolphins participate are turned around and focused on human entertainment. Human beings are the focus of the thoughts and plans of companies. The cost, in suffering, pain, boring, illness, stereotyped behaviour, and death just vanishes beneath the surface when tourists leave the facilities with a picture as a souvenir of their experience. The dolphins are left in a reality of silence and abandonment.

If we turn our thoughts to the Mayan world and philosophy we will find an inner knowledge, perhaps the only legitimate source of true knowledge. There was, and still is a sacred ritual to recognize the inherent value of the other, an intrinsic value which is equal to mine. But it is not an everyday act. With this ritual one person looks at the other, and from the very inside of his or her being says the Mayan words "*in lak ech*", which means, "I am your other you". When said it is implicit that if I harm you I will harm myself. Then the other answers "*alaken*", which means "and I am your other self". Only when we recognize this intrinsic value of the sentient beings, we will be able to find the beauty, freedom, and warmness of those dolphins who now are enclosed.

For all of them only the words "*in lak ech*".

## 2010 Japan Dolphin Day, NYC

By Taffy Lee Williams, New York Whale and Dolphin Action League

On October 14, 2010, dozens of activists gathered at the doorstep of the Japanese Consulate in New York City to protest the season's continued slaughter of dolphins off the coast of Taiji, Japan. The global event is organized by Ric O'Barry and SaveJapandolphins.org, and unites activists in scores of cities around the world to call for an end to the unnecessary dolphin killings. Dolphin meat is highly contaminated with mercury and other toxins, and the only plausible justification for the dolphin drive fisheries and eventual slaughter is the presence of aquarium industry personnel who pay up to \$150,000 USD for a trained dolphin. The event brought

young and old to NYC from near and far, with signs and banners in hand, to boldly say, STOP THE SLAUGHTER OF DOLPHINS! STOP THE CAPTIVE DISPLAY OF DOLPHINS! This year's event was especially moving as it followed the distribution of THE COVE, the Academy Award Winning documentary and its triumph at the 2010 Oscars. The film has raised global awareness of the plight of dolphins in captivity, where the animals actually come from and how intricately connected to the slaughter of dolphins in Japan the display/entertainment industry really is.

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## Reconnecting Locally

By David Kaplan, CSI Board

There was a time when CSI was actually a remarkably local group. For that matter, it was also a remarkable local group. The Connecticut Cetacean Society was a hands on, feet on the ground organization, headquartered at the home of the Barstows in Wethersfield, CT and stirring things up on behalf of the world's whales in Hartford, capitol city of Connecticut. Among the successes CCS could take credit for would include the State Legislature adopting the sperm whale as the State animal, the creation of Conny, the life size concrete sperm whale on the lawn of the Connecticut Children's Museum and a very successful elementary school program for the cities' schools. When CCS became the Cetacean Society International (CSI) a shift took place. The group gained stature and success on the international stage. Membership and Board membership comes from places outside of Connecticut. Funding and outreach to those in need of funds certainly reach outside of Connecticut. After all, we are international, as are the whales, and we are not the small local group of our past.

**Act One:** The Connecticut Children's Museum, West Hartford, CT had already planned for a day this past summer, to celebrate the '34th birthday' of Conny. CSI was invited to participate. We were able to take this opening as a chance to reconnect, not just with Conny, but with our old friend, the Museum. With the encouragement of the Children's Museum and particularly their Director of Programs, Jonah Cohen, CSI stepped up with the vigor

once the trademark of the local organization, CCS. As part of the day's activities, CSI had both a table for information about the group and about cetaceans. We had the original documentary of the building of Conny, a production of our own Robbins Barstow, playing continuously behind the CSI table. Adjacent to the informational display was a hands on, interactive display for the visiting children that covered such topics as the value of the warmth of blubber to whales and demonstrations on how various whales get their food.

As part of the Conny birthday celebration, CSI arranged for the noon time concert of music of the sea featuring our own Don Sineti. Joined by CSI friends on stage, the children in attendance were encouraged to accompany the songs with various home made instruments. As part of the outdoor concert, Robbins Barstow, representing CSI, presented a copy of the original blue print of the construction of Conny to Kevin Sullivan, President of the Connecticut Children's Museum.

The magic of the day was this: the new administration of the Museum was able to reconnect with CSI, old and new. Past activists Katie Grey and Steve Roys joined past president Don Sineti were joined by our new wave of activists in Jessica Dickens and Gary Pontelandolfo. Our founder, Robbins Barstow made the CSI presentation to Kevin Sullivan, the new head of the Museum.

**Act Two:** CSI has been contacted by the Children's Museum to continue cooperative programs into the fu-

ture. CSI has a committee presently meeting to suggest and design the role CSI can play with the Museum. The possibilities of education programs, of shared membership and of special events are endless and quite real.

**Act Three:** The Children's Museum has a direct affiliation with the Roaring Brook Nature Center in Canton, CT, a family oriented organization located 20 miles outside of Hartford on the edge of the Berkshires. Besides being a wonderful group in a beautiful location, the group once had working ties with the old CCS. The director of the Nature Center, after all of these years, is still Jay Kaplan. Through the grapevine that often exists with activist and educators and people who do good things, Jonah Cohen and Jay Kaplan had a chance to speak about CSI. They work together as part of their respective positions. Jay has worked with Don Sineti, who has done concerts at the Nature Center. Jonah was pleased with the CSI role in the birthday for Conny and the concert by

Don. The reconnection has been made. Jay Kaplan, in the spirit of reconnecting with old friends (now called CSI) asked the cetacean advocacy group to cosponsor a concert at the Nature Center, featuring the music of Don Sineti.

On October 16th the Roaring Brook Nature Center and Cetacean Society International are presenting Don Sineti in concert. The proceeds will benefit the two non-profit groups. In a sense a circle is complete having CSI again working cooperatively with the Children's Museum and the Nature Center. The old friendships are being renewed. The local ties are being revisited. This new twist takes nothing from the importance of CSI as an international presence, but it does once again open ties to the community where this amazing journey began. It allows once again for the hands on, feet on the ground activism of the original Connecticut Cetacean Society to continue as CSI. The adventure begins again.

## Listening to Humpback Whales

**LISTENING TO HUMPBACK WHALES** is CSI board member Paul Knapp Jr.'s latest CD, selections from his many seasons of listening to humpback whales in the Caribbean. For Paul making this CD was a labor of love, and he will be happy to send a complimentary copy to CSI members. Otherwise, anyone who wishes can enjoy this CD for only \$12 postage paid to US. Outside US, \$14.00 postage paid. Please email Paul at [pkcompass@yahoo.com](mailto:pkcompass@yahoo.com). In Paul's words:

It's a big challenge, but great pleasure, to bring back some of the beautiful whale sounds that I've been so privileged to hear, you just want to share this. Humpback whales give a voice to all the whales - and to the ocean itself. Seemingly they practice and perform, as single singers and in groups. There is intricate singing and simple, repeated sounds.

Great beauty, and something worth listening to is emanating from these whales.

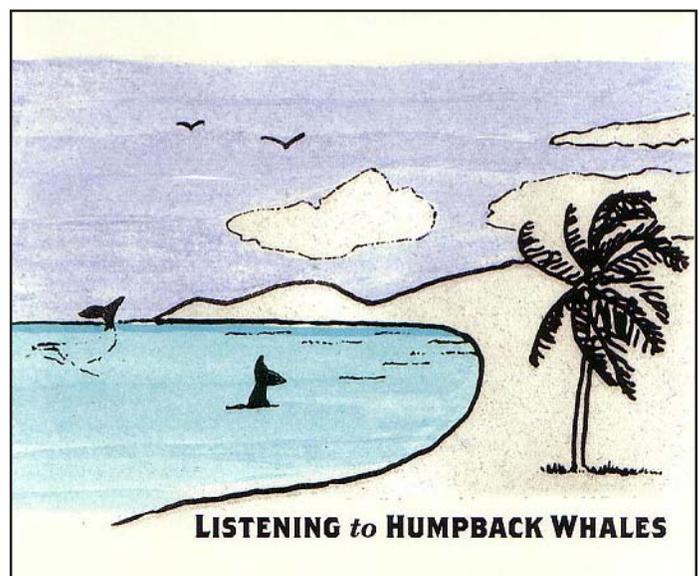
Spring, summer and fall, they feed in colder waters, returning to their tropical breeding area in winter where most singing occurs.

Humpback song is continuously changing and evolving. Its meaning is unknown but thought to be related to mating. So far only males have been known to sing. It is not known how these sounds are produced, but when observed underwater while singing, no air bubbles are released.

Current global population is estimated at 20-30,000 individuals, about 20% of pre-whaling estimates. Adults average approximately 45 feet and weigh 35-45 tons.

Worldwide there are several distinct populations of humpback whales. Each population sings a little differently, so researchers can often know which area a song comes from. All here are from the Western North Atlantic group.

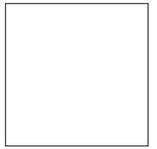
These recordings were made in the Caribbean near the Virgin Islands from a small inflatable boat, using a hydrophone (underwater microphone).



**LISTENING to HUMPBACK WHALES**

# **Cetacean Society International**

c/o Brent Hall  
460 Wallingford Road  
Cheshire, CT 06410  
U.S.A.



**FIRST CLASS MAIL**



Yes, a humpback with two dorsal fins! See inside for details.  
(Photo by Julia Riddle, [www.northlanddive.com](http://www.northlanddive.com))