

Draft

# **“Contact: In Pursuit of Orcas”**

## **Part 1 of 2**



Report Prepared by:  
Lifeforce Foundation  
[www.lifeforcefoundation.org](http://www.lifeforcefoundation.org)  
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## Introduction: Part 1 “Contact: In Pursuit of Orcas”

From sunrise to sunset the endangered orcas of the Pacific Northwest are relentlessly pursued everywhere – off the shore lines and in open waters. Under the name of entertainment they are the gold treasure sought after by a multi-million dollar eco tourism industry. When the treasure is found the code word “Contact” is issued to the whale watch fleet.

Lifeforce is a non-profit ecology organization. In 1993 a boat was donated to Lifeforce. From 1993 to 2005 I operated the “Lifewatch Boater Awareness Program” to advise boaters about the guidelines/regulations re: watching marine wildlife such as orcas. This was the first program in waters in Southern BC and WA. I developed educational materials such as the “Whale Watching Guidelines for Southern BC & Washington”.

Also, during the late 90s I studied the behaviour and travel patterns of the Southern Community under DFO research permits (3 years). The information obtained was used to produce Lifeforce’s “Orca Field Guide”. I was the first to publish that orcas can be identified by their individual behaviours. The guide educated everyone about the behaviour of orcas for understanding and safe vessel operation. I continue to study their behaviours and travel patterns.

### Our Marine Life Programs also included:

- Developing standard operating practices and data collection under a **Marine Wildlife Monitoring and Enforcement Policy**. In 2003, we organized a meeting of monitoring organizations. In 2008 we started a campaign to get funding for enforcement agencies.
- Developing **technology and methodology** to reduce harm to wildlife caused by boat traffic. For example, we have tested the use of an arrow bar to stop and direct boats approaching orcas. We also have tested Stop/Yield traffic paddles.
- Providing a **Whale and Dolphin Hotline** for public involvement in reporting sightings, stranding and harassment.



Saturna Island, BC

- Implementing **Orca Trails Whale Watching** to encourage land-based whale watching in marine parks. As part of this program we will also look at the possibility of using boats to take people to the parks. Marine Protected Areas could incorporate such drop off points and various types of tourism related businesses could be developed.



During 2003 to 2005 Lifeforce collected evidence of commercial and pleasure boats not following the guidelines but there was no government response to our complaints. In 2008 Lifeforce obtained a boat to allow me to investigate if whale watch companies and others have stopped harassing orcas and are following guidelines and regulations.

After this 2 year absence from conducting the Lifeforce Marine Life Programs on the water we gathered conclusive evidence of flagrant disregard for the well being of orcas and the laws. We only had to spend a few days to observe repeated violations. This is common whale watch company practises when they are not watched by enforcement agencies. Pleasure boats imitate the illegal practises. When pleasure boaters are approach by volunteer organizations and advised of the laws they often respond by saying “We were just doing what the whale watch boats were doing. We thought they knew what to do.”

In Part 1 Lifeforce provides some of the more than 1100 violation photos that we took of the Whale Watch Industry and pleasure boaters. In Part 2 we will look at the other types of boat traffic that can seriously affect and harm orcas. This will include boat traffic resulting from research (operating under government permits that allows harassment and approaches within 100 meters such as pursuits to shoot skin biopsy darts, attach satellite tags with darts, and collection of prey/feces), military practices, Coast Guard activities, Homeland Security, ferry traffic, commercial tugs, fishing, freighters and other activities. .



## Guidelines/Regulations

The endangered transboundary orcas are protected by both Canadian and US laws. Both governments have designated orcas as endangered species and have implemented Orca Recovery Plans.

Orcas, also known as killer whales, are the largest members of the dolphin family. All family members live together for their entire lives in “pods.” The Southern Resident Killer Whales (SRKW) are the J, K and L pods. While Js spend most of their lives in B.C. and Washington waters the Ks and Ls usually return in June and will stay until the winter. J pod has been travelling through local waters off Point Roberts. There are less than 90 orcas in total.

Under the Canadian Marine Mammal Regulations the disturbance of whales is strictly prohibited. Summary convictions carry a fine up to \$100,000, a prison term not exceeding 12 months, or both. Indictable convictions carry fines up to \$500,000, prison terms up to 24 months, or both. Under the US Marine Mammal Protection Act it is illegal to disturb or harass marine mammals. Penalties include a civil penalty up to \$10,000 for each violation or criminal prosecution with a fine up to \$20,000 or imprisonment for up to one year, or both.

Through our Lifewatch Boater Awareness Program we distributed education materials to make boaters aware of how to operate a boat when in the vicinity of endangered orcas. The Lifeforce “Whale Watch Guidelines for Southern BC and Washington” were the first for Southern BC. <http://www.lifeforcefoundation.org/wwg.php>





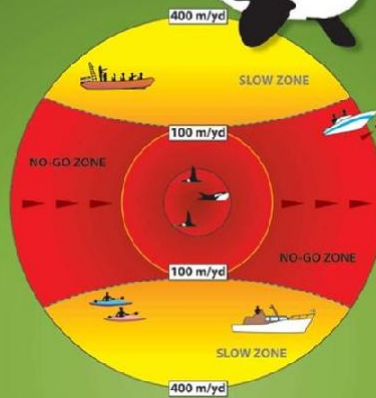
## New Washington State Legislation

Washington Governor Christine Gregoire signed into law on March 28, 2008 legislation that further bolsters efforts to protect resident orcas. The new law (HB 2514) establishes a 300-foot zone around orca whales that vessels must avoid. The law provides the Department of Fish and Wildlife with enforcement tools. Blocking the pathways is strictly prohibited.

The new San Juan Island Ordinance No. 35 – 2007 regulates the operation of vessels in proximity to SRKWs and established fines for violations such as failing to yield to orcas in San Juan County waters.

# GET OFF MY TAIL!

IT'S THE  
LAW!



In Washington State, it is unlawful to\*:

- APPROACH within 100 yards of a killer whale.
- INTERCEPT a killer whale by placing a vessel or allowing a vessel or other object to remain in the path and within 100 yards of a killer whale.
- FAIL TO immediately DISENGAGE a vessel's transmission within 100 yards of a killer whale.
- HARASS any marine mammal.

*\*Some exemptions apply.*

See Wildlife Viewing at [WWW.WDFW.WA.GOV](http://WWW.WDFW.WA.GOV) for more information

Boaters are encouraged to follow the  
Bo Whale Wise Guidelines for Marine Wildlife  
[www.bewhalewise.org](http://www.bewhalewise.org)



### **The Laws**

Regulations of Canada, the U.S. and Washington State prohibit the harassment and disturbance of killer whales and other marine mammals. Many species are listed as threatened or endangered and are therefore subject to additional protections under the Endangered Species Act (U.S.) and the Species at Risk Act (Canada).

### **What is a disturbance?**

Disturbance is when we interfere with an animal's ability to hunt, feed, communicate, socialize, rest, breed, or care for its young. These are critical processes, necessary for healthy marine wildlife populations.

### **Enforcement**

The Washington Department of Fish and Wildlife and NOAA Fisheries Office for Law Enforcement are dedicated to the enforcement of state and federal laws that protect and conserve our nation's living marine resources and their natural habitat.

Washington Fish and Wildlife Officers, NOAA Fisheries Special Agents and local law enforcement officers have specific authority to enforce applicable state and federal laws designed to protect killer whales and other marine mammals.

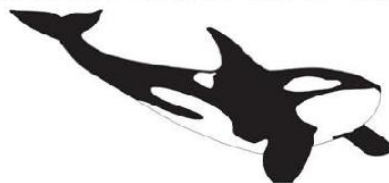
### **Report Violators**

IN THE US 1-800-853-1964  
NOAA Fisheries, Office for Law Enforcement

IN CANADA 1-800-465-4336  
Fisheries and Oceans Canada

Online: [www.bewhalewise.org](http://www.bewhalewise.org)

### **Do Your Part: Be Whale Wise!**



## Case Studies of Boat Violations

Since 1993, Lifeforce has documented numerous violations of Whale Watch Guidelines and regulations.

The following two shocking 2005 photos must be shown of a Canadian Company owner who was also on the Executive Committee of the Whale Watch Operator's Association Northwest when the photos/videos were taken. He was driving in the middle of and on top of orcas. These appalling practices continue today.



The following are photos taken during our 2008 investigation. It is not always possible to get the photos of the dorsal fins above the water by the boats so the “white waves” of orcas surfacing and dives will be highlighted by a circle and arrow. This method and photo descriptions will also be used to illustrate “avoidance behaviours” such as orcas diving to avoid boats which are blocking their path ways. In addition, the “white waves” and visible dorsal fins usually represent only some the orcas being harassed since others are below the surface.



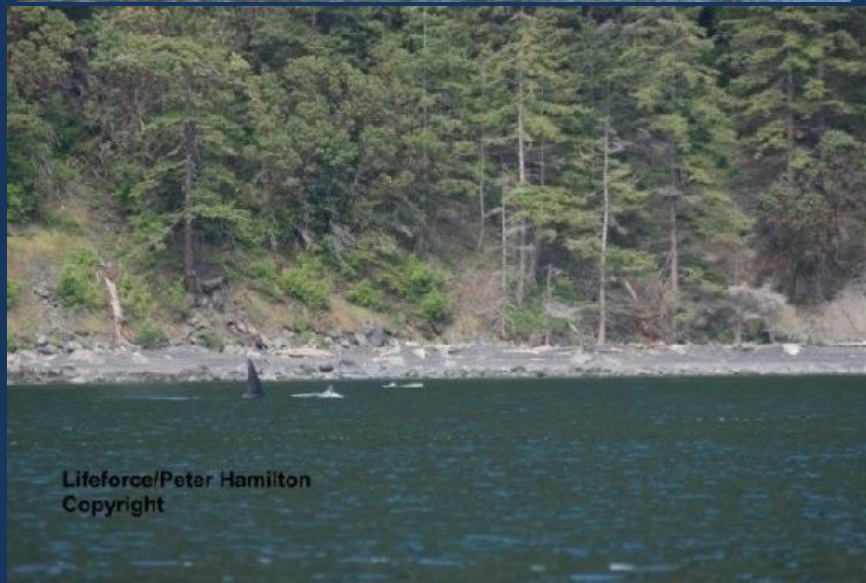
All Lifeforce investigative photographic evidence includes the full description of the boats, boat operators, locations, times and dates. For this report we will refer to the boats in violation as Canadian Whale Watch Company or US Whale Watch Company. Pleasure boats will be referred to as power or sail.

Our investigations were mainly conducted in Canadian and US waters from Bowen Island, BC to the Northern San Juan Islands.

## May Boat Violations 2008

### May 18

Boater problems included whale watch companies still blocking path ways and a Foss tug driving over some at Lummi Island, WA. Our test of using a construction Stop/Slow paddle was successful in stopping a speeding pleasure boat following the tug through the group of orcas.

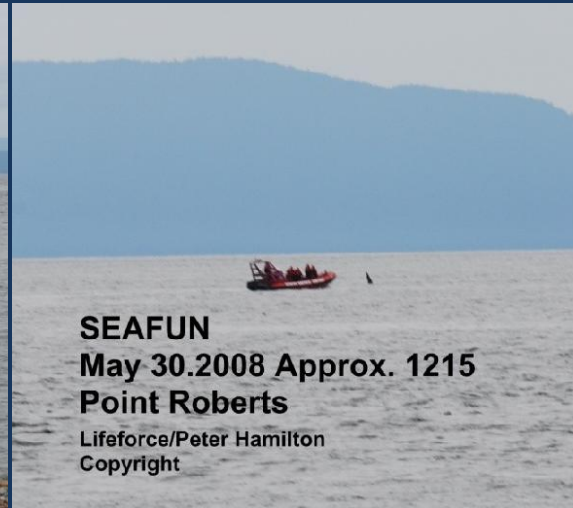
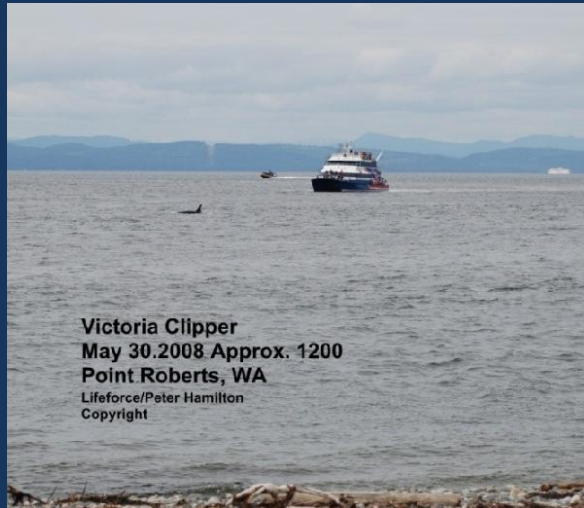


Tug driving over orcas. Then orcas surfacing where tug had just passed.

***Note: Lifeforce emailed a notification of guideline violations and has a received a response from Foss Tugs. They said that they would be reviewing the matter with the tug Captains and will send us a report. To date, we have not received any report. More information to come in Part 2 report.***

**May 30 - At 1200 the orcas were off Point Roberts.**

Some Whale Watch Companies did not adhere to the Whale Watch Guidelines and did not give the orcas a ¼ mile shore passage zone as boaters are supposed to do off San Juan Island.



Boats approaching and blocking path ways.



Canadian Whale Watch Boat blocked pathways and the operator even went approx. 100' off the shore in front of approaching orcas and between orcas and the shore. Last Photo Above: Orca that had to dive under the boat is to the left of boat



Same Canadian Whale Watch Company blocking the path way.







Later in the day as the orcas were approaching Rosario Strait and the Canadian Whale Watch Companies from Victoria were well within 100 metres and continuously cut in front of the orcas.



## June Boat Violations 2008

June 22 - Approx. 1115 to 1315 off Point Roberts, WA



The first photo is a Canadian Whale Watch Company who was speeding towards this orca and had already passed over other orcas. The next photo show the orcas on both side of the boat that went into a group of orcas who were foraging.





A US Whale Watch Company speeding around a blind point not knowing if orcas were there. Later, he drove in front of/over some as he pursued orcas that he saw further away.



A Canadian Whale Watch Company approaching orcas and “setting up” in orcas’ pathway. Note the US Company had driven passed them to get to another group and is coming back.

## July Boat Violations 2008

July 18 – Orcas were off Lighthouse Marine Park, Point Roberts (approx. 0935 to 1000 and others went up earlier) Heading North. Photos were taken from shore.



Lifeforce received complaints that this aluminum skiff was following the orcas.

July 18 – Off Lighthouse Marine Park, Point Roberts (approx. 1900 to 1935) same orcas now Heading South. Photos were taken from shore.



Two power boats and white “zodiac” were pursuing the orcas off point Roberts.



**July 19 – Off Lighthouse Marine Park, Point Roberts (approx. 1030 to 1115) Heading South. Photos taken from land.**

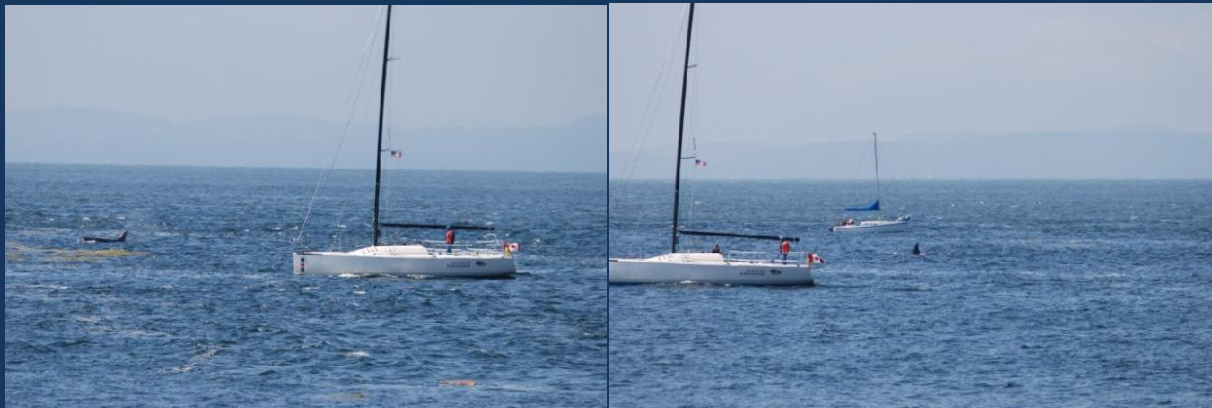
Canadian Whale Watch Companies “setup” in front of approaching orcas.







Power boat driving over top of orcas.



Sail boats driving into orca group and changing directions to follow them.



Power boat amongst approaching orcas.



Power boat speeding into surfacing orcas.

**July 19 – Southern Georgia Strait Heading South. Photos taken from Lifeforce boat.**





Canadian Whale Watch Company within 100 meters.



US Whale Watch Company “positioned” in front of orcas within 100 meters.

### July 24 (photos taken from land)

The following photos start with three photos of Canadian Whale Watch Company boats. You can see where the orcas are surfacing after passing the boats. First the companies position in front but then they move to get in front of the most orcas. These companies break the rules all the time.



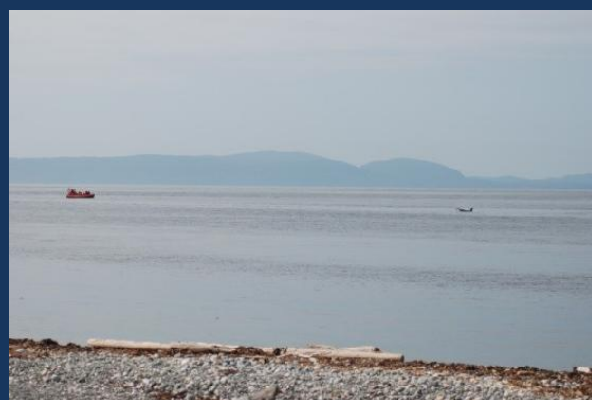




Canadian Whale Watch Company coming in fast to get in front of/block path way of the approaching orcas.



The following series shows the boat that sped in to get in front of the orcas.





Then there was a sail boat drove through the passing orcas..



Then one of the Canadian boats once again “set up” in path way of the orcas.



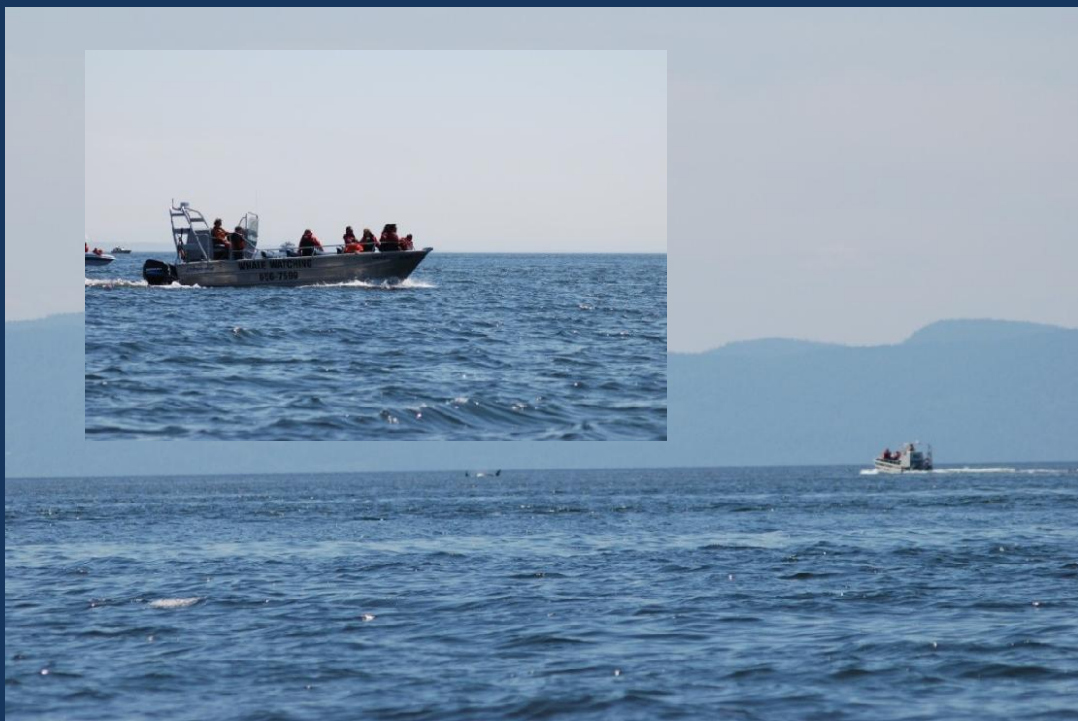
**July 24 - Boat based photographs heading south off Point Roberts.**

These photos start with a Canadian Whale Watch Company going in front of the orcas. The boat was within 100 yards most orcas dove below this boat..





Then another Canadian company sped after the ones that had passed from behind and drove towards them.





At 1245 a Canadian company repeatedly went in front of approaching orcas and repeatedly drove the boat within 100 yards. Sometimes he would lose track of them and either be right on them or would motor back into them because he had passed them.









Then at 1320 another Canadian boat joined him and blocked path ways.



At 1400 yet another Canadian Whale Watch boat was blocking path ways and with 100 yards.



## August Boat Violations 2008

### August 7<sup>th</sup>

On August 7<sup>th</sup> at 1515 1 mile off T14 I started taking a series of photos depicting violations of the Canadian Marine Mammal Regulations in which the harassment of a whale is prohibited. The orcas were part of the J pod and there was one L pod male. In Canada orcas are also protected under the Species at Risk Act.

As you see in the photos the Canadian Whale Watch boats were chasing within 100 yards from behind/beside/in front of; blocking the path way not giving a 100 yard clearance and not turning off ignition. This was one of the most reckless, aggressive violations that I have seen.





























**August 11 - at approx. 1400** a Canadian company sped over a group of orcas off Westshore Terminals, Canada heading into US waters. Photo shows close approaches after he had driven over them to get to others. They then went into US waters and sped along the Point Roberts shoreline and repeatedly “leap frog”. The numerous photos show repeated violations. At one point the operator quickly turned the boat with orcas present by the boat and others approaching.

Later, another Canadian company arrived and also blocked pathways.















































In the evening a US Whale Watch Company was off Tumbo Island and blocked the pathway of orcas. The very loud, noisy engine was on. The operator even changed boat position as the orcas were passing.

















**August 17<sup>th</sup> - Approx. 1200 hours to 1800 hours**

The violations start 1 mile Northwest of Active Pass (Georgia Strait side) to Tumbo Island

A group of approximately 20 transient were continuously pursued and harassed by commercial whale watch boats and some pleasure craft. In general the Ts were directional with the occasional milling and zig-zag but boats could have easily stayed on side of the group.

A Canadian Whale Watch Company running with orcas within 100 meters and positioning in front of directional transient orcas.











Another Canadian company getting too close.





More Canadian companies getting way too close.



A private power boat driving into approaching orcas.



A Canadian company within 100 meters.





Companies approaching from the rear.







A US Whale Watch Company within 100 meters.



A Canadian company and private power boat pursuing the transients.



The power boat ruthlessly chases orcas, cuts into group and then drives over them to drive at them from rear.













The following photos show two Canadian companies trying to figure out how to get in front. One vessel went in front when the orcas were heading into Tumbo Channel. When the Ts change directions they chased after them.















This Canadian company has just driven within 100 meters of approaching orcas.







The following photos shows several Canadian companies speeding towards the orcas.

















When transients stopped the companies stopped and drove towards them.











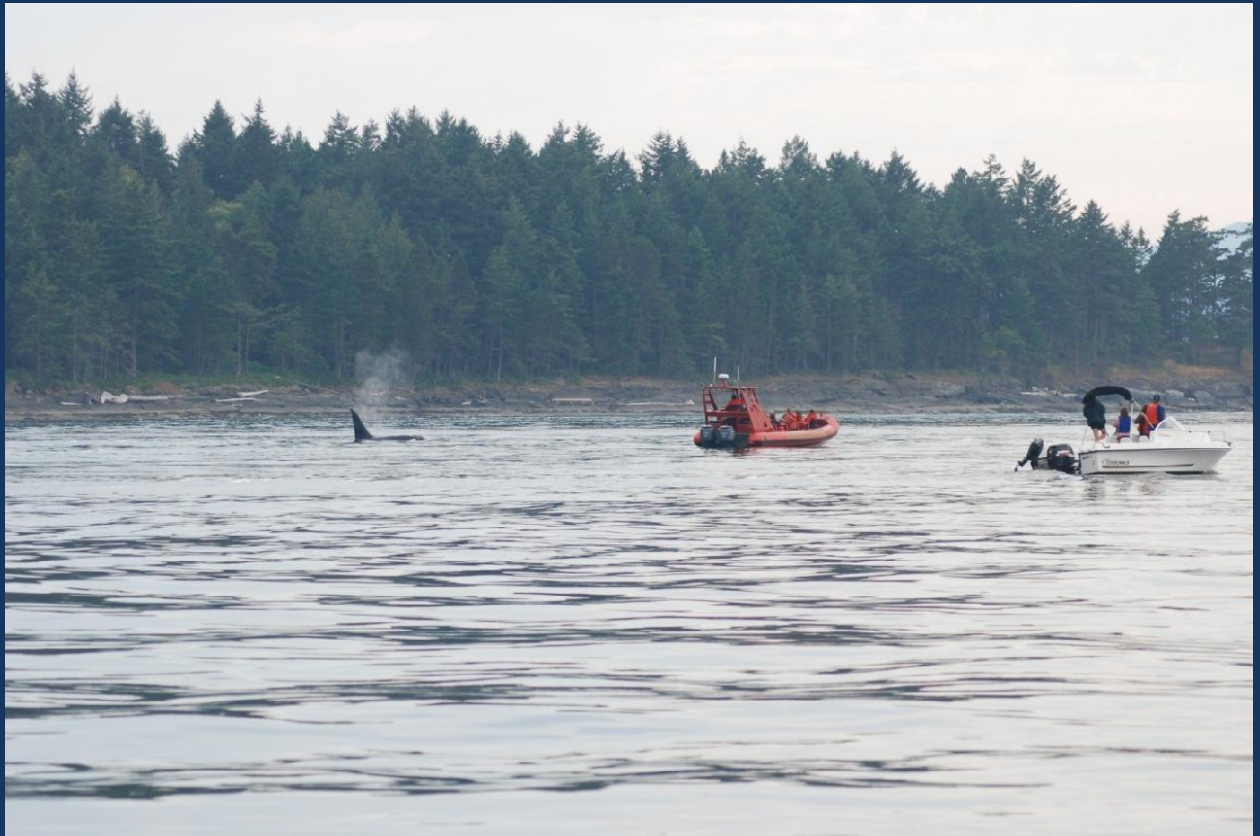




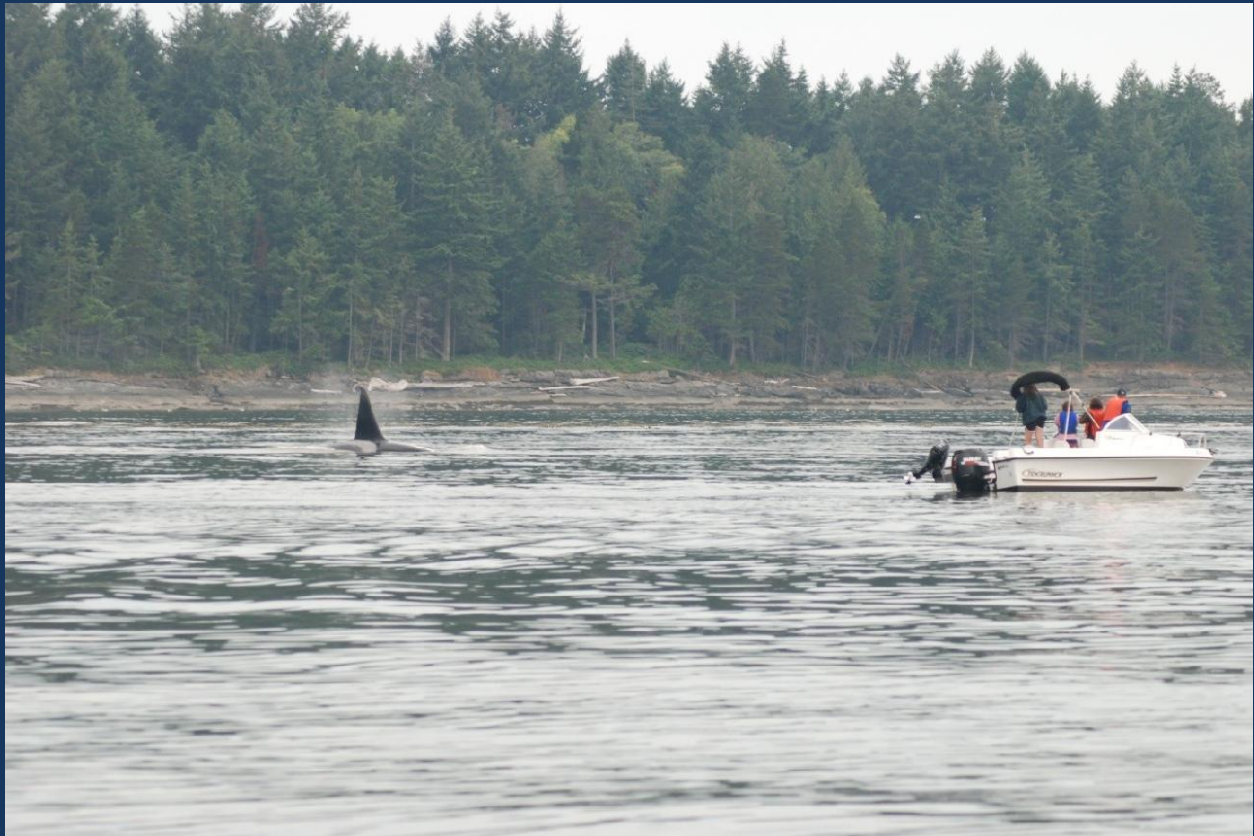


A power boat moves in.









A US company moves in front of approaching orcas.





A private power boat stayed in front of approaching orcas.





On **Tuesday, August 19<sup>th</sup>** Lifeforce was monitoring the Whale Watch Fleet boat channel and heard that the majority of these same orcas were in the same area. Two US operators radioed each other. One asked the question “Are there different rules up here?” (referring to being in Canada). The other said no and that all operators should be “giving transient a bit more space.” Response was “that was my impression.” Obviously they were seeing the same violations that I saw on the 17<sup>th</sup>. At 1550 two Canadian Whale watch Companies said that it looked like transient orca #T124 had enough of them (he was speeding away).

**August 22 - at 1120 to 1630 we were approximately 4 miles NW of Sand Heads to Coal Dock**

Several Whale Watch Companies with J and L pods who were travelling directional – the orcas were resting in the beginning.

I phoned DFO Observe, Record and Report line twice but no one came out.

I first photographed a Canadian Whale Watch Company that was blocking pathways and getting within 100 yards. The operator told other operators that the orcas were “resting”.





The following shows two Canadian companies in violation.













Another Canadian company driving beside the orcas within 100 meters and ‘positioning” in front of approaching orcas.



















Another Canadian company “positioned” in front of approaching orcas.







A US Whale Watch Company blocking the pathway.



The Canadian company again in violation.











Several companies moving in on them.



























A US company.





Back to the Canadians.











































Power boat.



**August 22 - Approx 1800 to 2000 off Point Roberts**

The following is a series of photos showing private boats travelling too close to J and L pods.





























**Aug 27 – at 16.53 off Point Roberts approaching Westshore Terminals**

A few Canadian Whale Watch Companies were motoring within 100 meters and blocked approaching orcas.





















## September Boat Violations 2008

### September 1 - Approx. 1730 to 1930. Starting Active Pass (Georgia Strait side) to T14 Marker

Starting at 5:37 PM A Canadian Whale Watch Company sped towards orcas who were exiting Active Pass. The operator first drove along shoreline over orcas and then positioned in front of them. He continued to pursue them, motor within 100 m and block path ways. He pursued them until 7:22 PM.

The pleasure boat started harassing orcas at 5:42 PM and drove off towards other orcas along their way home at 6:14. The operator haphazardly drove around the various groups of orcas. He would be speeding towards one group and change directions when he saw others. He repeatedly pursued them, approached within 100 meters, drove at approaching orcas and blocked path ways.

In addition, while in Active Pass the Queen of Bowen Island drove at approaching orcas and even turned sideways in front of approaching orcas. On September 2, Lifeforce reported it to BC Ferries and they said they will advise the Marine Superintendent.





















**September 14<sup>th</sup> - Approx. 1700 hours to 1750 hours. Started at approx 6 miles Northeast of Active Pass (Georgia Strait side)**

Js, Ks and Ls were pursued Canadian Whale Watch Company. Please note that it was bumpy and hard to get photos.



**September 19 - Approx. 1400 hours to 1600 hours. Started just North of Georgina Pass heading to Porlier Pass**

The photos below show three transient orcas who were continuously followed by commercial whale watch boat.





















## Boat Violations Reported to Government Agencies

### US

In October 2008 Lifeforce sent the following letter and petition to Governor Gregoire.

#### Re: Petition to Protect Orcas

A hard copy of the On-line Petition to Protect Orcas with over 100 signatures signed during the two day Point Roberts Art and Music Festival has been sent to your office. People are also sending the online petition to you (see

<http://www.lifeforcefoundation.org/newsitem.php?id=72>).

Lifeforce has been using our “undercover black and white boat” to actively photograph pleasure and commercial boaters that are harassing orcas. Numerous violations of whale watching guideline and legislation were reported to US and Canadian agencies in our campaign to prove that more enforcement is needed to protect endangered orcas. We collected over 500 photos and sent them to WDFW/NOAA. We also sent over 600 photos to DFO. We are waiting to hear what action they will take.

Lifeforce has distributed the new “Get Off My Tail” card and poster published by Washington Department of Fish and Wildlife and NOAA Fisheries Office for Law Enforcement around Point Roberts to advise boaters of the new Washington State legislation.

Lifeforce will be preparing a report entitled “**Contact: In Pursuit of Orcas**” to lobby government to provide more funding for enforcement by the responsible government agencies. Most Whale Watch Companies harass orcas when they are not monitored. Pleasure boats mimic their illegal operating methods. If approached they say they were just doing what the companies were doing. Non-government organizations, such as Lifeforce’s Lifewatch Boater Awareness Program, have tried to raise awareness of responsible boating but have not been able to convince the tour companies to always follow the rules. There has been some successes in the San Juan Islands with volunteer No Boat Zones and better enforcement but it is time for major improvements in the whale watching industry. Stronger regulations, fines and other penalties are needed so people will get off the orcas’ tails.

Please advise us what action you will take to help protect these orcas.



**From May to June 2008 Lifeforce sent over 500 photographic evidence to Washington Department of Fish and Wildlife (WDFW) and the National Oceanic and Atmospheric Association (NOAA). WDFW is responsible for violations under state legislation and NOAA enforces the Marine Mammal Protection Act.**

**WDFW did fine one Canadian Whale Watch Company based on Lifeforce evidence. Our photographs made the case.** Both the company owner and the vessel operator were issued citations. They both paid the \$1025 bail amount without going to court.

Due to staffing limitations, this was the only case that WDFW could follow up on.

There was little, if any, NGO monitoring and government agency monitoring in the area surrounding Point Roberts.

## **Canada**

**In Canada the Department of Fisheries and Oceans (DFO) is responsible for enforcing Canada's Marine Mammal Regulations and the Species At Risk Act (SARA)**

From May to September 2008 Lifeforce sent over 600 photographs.

Ecojustice, formerly the Sierra Legal Defence Fund, has petitioned DFO to enforce the SARA provision to protect the critical habitats of orcas. Boat traffic monitoring is part of the protection plans.

Canada's Orca Recovery Plan falls short of providing immediate protection for endangered orcas. Any plans to stop negative boat traffic and to respond to boat violation reports are not sufficient. Although there are areas where there are NGO monitoring and government agency monitoring in the area that we investigated in Canada (from Bowen Island to US border in Georgia Strait).

## Petition to Governor

### Petition to Protect Endangered Orcas

Whereas: Both the US and Canadian governments have designated orcas as endangered species and have implemented Orca Recovery Plans;

Whereas: Orcas, also known as killer whales, are the largest members of the dolphin family. All family members live together for their entire lives in “pods.” The Southern Resident Killer Whales (SRKW) are the J, K and L pods. While Js spend most of their lives in B.C. and Washington waters the Ks and Ls usually return in June and will stay until the winter. Local waters off Point Roberts are a critical habitat. There are less than 90 orcas in total;

Whereas: The population of Southern Resident Killer Whales has been decimated by aquarium captures, human overfishing, boat traffic and human-made pollution;

Whereas: Washington Governor Christine Gregoire signed into law on March 28, 2008 legislation that further bolsters efforts to protect resident orcas. The new law (HB 2514) establishes a 300-foot zone around orca whales that vessels must avoid. The law provides the Department of Fish and Wildlife with enforcement tools. Blocking the pathways is strictly prohibited;

Whereas: The new San Juan Island Ordinance No. 35 – 2007 regulates the operation of vessels in proximity to SRKWs and established fines of \$750 for violations such as failing to yield to orcas in San Juan County waters;

Whereas: When orcas are present, there is a Special Orca Viewing Areas ¼ mile voluntary no motor boat zone established on the west side of San Juan Island and a 2 mile area around the Lime Kiln Washington State Park/Whale Watch Park with a ½ mile zone.

Lighthouse Marine Park, Point Roberts is also a popular land-based whale watch park.

Whereas: The Voluntary No Motor Boat Zones provide the orcas with a protected area around their favourite feeding and socializing areas.

Whereas: The commercial Whale Watching fleet are blocking the pathways of orcas, are positioning themselves between the orcas and the shore within ¼ mile;

Be it therefore resolved that we urge Washington Governor Christine Gregoire to direct enforcement agencies to enforce marine mammal protection provisions such as HB2514 and to establish a 1/2 mile voluntary boat exclusion zone in waters surrounding Point Roberts.

## Comparison of Monitored Versus Non-Monitored Areas

During the Lifeforce investigation of boat traffic monitoring we compared boat traffic in both monitored and non-monitored areas.

In Canada, especially the area from Vancouver to the US border in the Georgia Strait, there is little, if any, monitoring by government agencies. In 2008 Lifeforce did not see any government or NGO enforcement in this area. Non-profit organizations from the US or Canada seldom patrol.

In these unpatrolled areas there is a high number of violations.

In the US, especially around the San Juan Island, there is significantly more enforcement. In 2008 this included a sheriff boat, WDFW and non-profit organizations. In addition, in some areas there are volunteer no-go boat zones from ¼ mile to ½ mile. There was less number of violation when government agencies were present as compared to when non-profit organizations were on site.

Whale Watch Companies immediately send out alerts to all if government enforcement is present. They seem less concerned if non-profits are present. In fact, once companies were aware of Lifeforce's monitoring they continued to break the rules. It appeared that companies were confirming by their actions what I had been told by whale watch operators – volunteer monitoring efforts are not effective. One company had joked about the number of letters he received regarding violations and that he could paper his office wall with them.

This year one Canadian Whale Watch company alerted the whale watch fleet that DFO researchers Graeme Ellis and John Ford were out identifying transients. He told them to be careful (don't get too close).

Directional/Non-directional travel patterns of orcas pose some problematic enforcement issues. Both resident orcas (J, K, and L pods) and transient groups have similar travel patterns and behaviours. While during "directional" travel when orcas are easily determined to be heading in a common direction it would be easy to determine how to stay on the outside of the furthest group that is off shore. With "non-directional" behaviours when orcas are spread out over a larger area and are changing directions (for activities such as foraging and socializing) companies can take advantage of the situation by claiming that they are "surrounded". The solution to this enforcement issue is to advise all boat traffic to be located parallel to orcas who are the furthest off shore – not to set up all over the area.



## Conclusion

This report may have been somewhat monotonous and repetitive to read but we must bear in mind that this is only a small fraction of the repeated pursuit and harassment by whale watch companies and others in Canada and the US. The photographic evidence proves that when companies are not monitored they violate guidelines and legislation. The lack of government response and ability to enforce regulations must change. Funding for government enforcement staffing is crucial for the survival of orcas.

As we know, stress affects the immune system and in highly contaminated orcas this would make them more susceptible to health problems and even death. The increase of commercial, pleasure and research boats also exposes these orcas to accidents such as boat collisions that can be life altering or fatal. Boat traffic noises impede their communication and they have to “speak” louder. This could impact on feeding and other life essential behaviours (see References).

In general, the present situation regarding research boats, whale watch companies and pleasure boaters is appalling. The boats continually pursue orcas from sunrise to sunset. Non-profit groups conducting monitoring activities and guidelines have not relieved the pressure. If monitors are not present the situation is even worse with the commercial vessels in flagrant violation of guidelines.

It is time for a totally new approach by establishing whale watch regulations, training (companies and traffic monitors), licensing of whale watch operators, better education programs, “No Whale Watch Zones”, time limits for commercial/research boats, “Orca Time Outs and Orca Days Off”, more enforcement and other recommendations that Lifeforce recently submitted to the US government.

One of the best ways to reduce boat harassment is to give the orcas a day off and breaks during the day. Humans don’t want to work continuously so why should commercial whale watch vessels and research boats.

In order to relieve some of the ongoing stress and exposure to vessel impacts created by boat traffic Lifeforce recommends “Orca Time Out Periods” of two hours at noon and 5PM each day. Companies can time their tour times to meet this requirement. For further relief, Lifeforce urges “Orca Days Off”. When the orcas are in local waters and have been pursued for 1 day the 2nd day is a “Day Off” in which no commercial activity is allowed. Operators can choose from a variety of other wildlife adventures for that day.

Reduced on water times by companies would be less of a burden on enforcement agencies with limited funds and time.

## Recommendations

The following is a list of recommendations that would help decrease the impact of boat traffic on threatened orcas. Other recommendations can be found in the Lifeforce reports that are listed in references.

1. Implement a New Whale Watch System (See Model Whale Watch Watching).
2. Maintain current enforce levels and increase funding for government enforcement agencies. This should include patrols of waters off Point Roberts, WA.
3. Create more no boat zones in areas such as Point Roberts.
4. Increase funding, if necessary, for more effective responses to Hotline Harassment reports (in Canada – Observe, Record and Report).
5. If non-government organizations continue to assist with boat traffic they should be trained by taking courses such as those available through the Justice Institute of BC or similar US courses.
6. Courses to train boaters how to operate a boat when in the presence of orcas should be developed. Courses should be mandatory for whale watch companies, monitors and other types of boat operators such as Coast Guard and police boats.
  1. Education: Ethics and Law – Zoos and Aquariums must stop all programs promoting getting up close with cetaceans and other wildlife. (“Monitoring Issues in BC and WA: Friendly Persuasion and Aquarium Pets”)
7. Education: Law - Literature must be distributed to customers by Whale Watch Companies. All Whale Watch Regulations must be on company web sites and at offices . This will help the public to be aware of the laws. Orcas don’t come and visit/wave at you as claimed by some companies. Customers can help report and boycott those companies who continue to harass orcas.
8. Education: Law - “Get off My Tail” and other literature should add record and report violations by using photos/video if possible. This will help provide stronger evidence.
9. Public Awareness: Although June was designated Orca Awareness Month by Governor Gregoire the orcas are still not getting any respect and the protection needed for their survival. At least for this month people may look at their impact on marine environments that have resulted in orca populations becoming endangered. From aquarium captures to using chemicals that pollute to overfishing these are some of the practises that individuals can help stop.  
In 2008 the BC government representatives refused to declare June as Orca Awareness even though these orcas are transboundary species who should be protected on both sides of the border. The BC government and others must participate.

## References

1. Whale Watch Recommendation Report
2. Monitoring Recommendations Report ("Monitoring Issues in BC and WA: Friendly Persuasion and Aquarium Pets")  
<http://www.lifeforcefoundation.org/files/MonitoringIssuesFinal.pdf>
3. Orca Recovery Plan Recommendations  
[http://www.lifeforcefoundation.org/files/orca\\_recovery.pdf](http://www.lifeforcefoundation.org/files/orca_recovery.pdf)
4. Marine Wildlife Conservation Program
5. Oil and Chemical Resistant Whales, Otters and Birds?
6. Andrew D. Foote, Richard W. Osborne and A. Rus Hoelzel (2004). Whale-call response to masking boat noise NATURE | VOL 428 | 29 APRIL 2004.
7. Holt, Marla M., Dawn P. Noren, Val Veirs, Candice Emmons and Scott Viers (2009). Speaking up: Killer whales (*Orcinus orca*) increase their call amplitude in response to vessel noise. J. Acoust. Soc. Am. Volume 125, Issue 1, pp. EL27-EL32 (January 2009).

Report prepared by:  
Peter Hamilton  
Lifeforce Founding Director  
(604)649-5258  
[lifeforcesociety@hotmail.com](mailto:lifeforcesociety@hotmail.com)  
[www.lifeforcefoundation.org](http://www.lifeforcefoundation.org)



