

To: Assistant Regional Administrator, Protected Resources
Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way, NE.,
Seattle, WA 98115. orca.plan@noaa.gov.

From: Peter Hamilton, Liferforce Foundation, lifeforcesociety@hotmail.com

Re: DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration 50 CFR
Part 224 [Docket No. 070821475–81493–01] RIN 0648–AV15 Protective Regulations for Killer
Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal
Protection Act AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Proposed rule; request for comments, and availability of Draft Environmental
Assessment on regulations to protect killer whales from vessel effects.

LIFEFORCE COMMENTS

From sunrise to sunset the endangered orcas are relentlessly pursued everywhere. 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.

Liferforce is a non-profit ecology organization based in Vancouver and WA. 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 Southern BC waters. I developed educational materials such as the “Whale Watching Guidelines for Southern BC & Washington”.

In 2008 Liferforce gathered conclusive evidence of ongoing 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 approached 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 Liferforce provides some of the more than 1100 violation photos that we took of the Whale Watch Industry and pleasure boaters. The report is at:
http://www.lifeforcefoundation.org/files/INPURSUITORCASJAN2009_sm.pdf

It should be noted that in 2008 WDFW laid three fines – two were based on Liferforce’s photographic evidences.

PROPOSED ALTERNATIVES

I would suggest that there are both ethical and scientific bases for supporting some of the suggested alternatives as previously proposed by Liferforce and others. These proposals would provide a special level of orca protection by the whale watch industry, with expected spin offs that will have a positive influence on recreational boaters. Many of these recommendations would be simple to administer.

Some of the NOAA comments were that some proposals would be hard to enforce. However some of the regulations will specifically target companies that will know the rules and this will also help reduce pleasure boat violations since they often copy what the companies are doing.

Soundwatch data stated that Canadian and US Whale Watch Companies made up 25% of violations as per their observations (60% of all incidences are from Private boats, 17% are from Canadian Commercial 8% are from U.S. Commercial). That is a very high percentage considering that the industry has a fleet of 60 boats as compared to the thousands of recreational boats.

It has been determined that boat traffic can cause:

1. Direct effects arising from boat/cetacean collisions
2. Short-term effects which include interruption or changes in essential behaviours such as respiration, feeding, resting, socialising, communicating, care of young and group spacing. Repeated disturbance of these behaviours can result in chronic stress and increased use of energy.
3. Long-term effects which can result in changes in distribution, reduced fitness and reduced breeding potential.

(Source: Dolphin Space Programme (DSP))

“Historically, there are few reports of collisions between Killer Whales and vessels. However, from 2003 to 2007 there were six collisions reported in B.C., three of which were fatal for Residents (DFO-CRP unpublished data). In 2005, DFO cetacean research surveys encountered a previously identified Offshore Killer Whale, whose dorsal fin was completely severed at the base (DFO-CRP unpublished data). This individual survived, and its injuries are consistent with those that could be sustained from a propeller blade.” (The final Management Plan for the Offshore Killer Whale has been posted on the SARA Public Registry:

https://www.registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=1855

https://www.registrelep-sararegistry.gc.ca/document/default_f.cfm?documentID=1855

During Lifeforce studies of boat traffic and the noncompliance of regulations, I have found that there are a higher percentage of company violations versus pleasure boat violations in the Point Roberts area, Rosario Strait area, San Juan Islands, Gulf Islands and north to Vancouver Harbour.

Further, it has also become obvious that monitoring of boat traffic by NGOs have not stopped the harassment of orcas. Future enforcement must be done by government enforcement agencies.

The whale watch companies have stated during this public comment period that they will go out of business if they can't get close to orcas (maintaining a 200 yards boundary) This is the same type of propaganda offered by the aquarium industry that supports captivity with kissing, petting and swim with dolphins programs. This “get up close with nature” marketing ploy can harm both people and wildlife.

Some whale watch companies have started misleading letter writing campaigns to NOAA to oppose any safer boundaries and no go zones. Vancouver Whale Watch states on their web site, “The Pacific Whale Watching Industry and the Public's Education is in Serious Jeopardy!” They and others have letter writing campaigns. These companies have no scientific or other facts that support their claims.

As a matter of fact, over the years, it had been the general policy to stay 400 yards away from nursing orcas and their newborns. So if 400 yards was acceptable then why are they opposing 200 yards? Lifeforce supports a 400 yard boundary.

See “Monitoring Issues in BC and WA: Friendly Persuasion and Aquarium Pets?”:

<http://lifeforcefoundation.org/files/MonitoringIssuesFinal.pdf>

Further, those who have commented that the orcas approach boats do not understand the orcas' behaviours and travel patterns. They are not properly informed. Whale watch companies know the orcas' route and will “position” ahead of them and say that they are coming over to “Hi”. Some companies even tell their customers that a tail or pec slap is the orca saying hello or goodbye. None of which is true.

LIFEFORCE POSITION RE: ALTERNATIVE PROTECTION

Re: 2.3.1 Moratorium on All Vessel-based Whale Watching

Presently Liferforce does not support a total ban for several reasons – some as outlined in the NOAA response. The companies will simply harass other marine mammals as I/ Liferforce has witnessed those harassing transient orcas, gray whales, sea lions and others. So we must get them to abide by regulations that would protect all species. We do hope that there will be less of a focus on orcas. A broader educational message of the diversity of wildlife and how to protect ecosystems must be part of a new model for ecotourism.

Liferforce strongly recommends implementing “Whale Watch Go Zones”. These would be specific limited areas designated by Longitudes and Latitudes throughout the orcas temporary seasonal home ranges. The companies will choose an area and wait for orcas to pass by at the permitted distance. This will help reduce stress levels of orcas/interference with orca behaviours because it will reduce the continuous pursuit of them throughout the days.

Pleasure boats are attracted to whale watch vessels and will go to where they are located. This would help reduce the negative impact by pleasure craft too.

There would also be a thirty minute time for viewing since this is sufficient time to view them without the present interference of each boat watching them for hours. Engines and sonar equipment must be turned off.

It should be noted the on the East Coast of Canada, there are 30 minute restrictions on some whale watching activities. Worldwide there are similar restrictions as stated in “A REVIEW OF WHALE WATCH GUIDELINES AND REGULATIONS AROUND THE WORLD VERSION 2008”, Carole Carlson, College of the Atlantic, Bar Harbour, Maine, USA.

These protection measures are further discussed in: Liferforce’s Model Whale Watch Plan <http://liferforcefoundation.org/files/ModelWhaleWatchPlan.pdf>

Re: 2.3.4 Establish a Quota System for Takes and Allocate to Different User Groups

It was stated, “This alternative would allocate a certain quota for “takes” of whales to different user groups that may be impacting the whales such as research, whale watching, and fishing groups. The takes would include close approaches as well as other harmful activities. There is no scientific information to identify how many takes from different activities would be acceptable. Consequently, an allocation process for different activities would be arbitrary and not administratively feasible. The MMPA and ESA prohibit takes and do not include exceptions of this prohibition for viewing activities.”

In regards to research activities “takes” and any harassment must not be permitted. Alternative methodologies must be implemented to stop the continuous close approaches and “follows”.

The question is whether the ends justify the means. My observations have found that research boats are often on top of orcas looking for prey samples. This invasive action is no doubt highly stressful and put orcas at risk of injury (perhaps jet engines or prop covers should be used). Research boats are on them for long periods – even at times when orcas are travelling and not in foraging mode. (Perhaps it should be restricted to close approaches only when orcas are foraging as seen by circling behaviours etc.). Days are spent conducting close approaches with only a few samples collected.

Will such research result in moratoriums on fishing? In Canada the researchers doing prey sample collection said that it was not their purpose to recommend moratoriums. There is enough data to support that orcas eat endangered fish populations that need protection from humans. It is time to recommend that certain research activities are part of the boat traffic problems and cannot be justified.

In addition, pleasure boat operators will imitate research boats methods. I have personally documented pleasure boaters copying the close approaches by research boats. The public doesn't simply doesn't get the yellow flag and are not being advised by researchers. As with Canadian research permits that I have had any close approaches must not be permitted with other boat traffic in the area. This restriction should be part of boat regulations.

Re: 2.3.5 Certification or Permit Program

Over the past decade the whale watch industry has drastically grown. The lack of proper government actions has led to the chaos on the water.

Lifeforce urges governments to restrict the number of permits and the continued growth of the whale watch industry. An Eco-friendly Certification Program should be implemented with revocation of permits if operators violate regulations. These protection measures are further discussed in Lifeforce's Model Whale Watch Plan.

It was stated, *"A certification program is also not feasible because there is currently no infrastructure to administer, monitor, or enforce a certificate or permit program for whale watching activities."* Lifeforce believes that such infrastructure is needed. A certification program could be done through existing boat operator training courses. Captain licenses would include such training whether or not the individual will work for the whale watch industry. Pleasure boat operator certificates should also include such training.

Other industry, government and NGO cooperative programs should be considered. For example, *"The Dolphin Space Programme (DSP) is an accreditation scheme for wildlife tour boat operators. It is an innovative, co-operative approach to sustainable wildlife tourism, launched on World Oceans Day, 8 June 1995. The aim of the DSP is to encourage people who go out to observe dolphins and other marine wildlife to "watch how they watch" and to respect the animal's need for space.*

To avoid these potential impacts the Dolphin Space Programme provides a code of conduct, training opportunities and educational materials to encourage responsible vessel interactions with cetaceans.

Boat operators who join the Dolphin Space Programme accreditation scheme agree to follow an approved code of conduct. This includes training in the best ways to approach dolphins and other cetaceans to ensure minimal disturbance to the animals. In return for joining the scheme, tour operators are offered support and promotional opportunities by the members of the DSP steering group.

DSP accredited operators conduct cruises of high quality and low environmental impact. Passengers on DSP accredited boats are offered an enjoyable experience taking in the beauty and diversity of wildlife found in the Moray Firth, safe in the knowledge that their activities do not threaten the wildlife they are enjoying.

The DSP is run by a steering group of several organisations and agencies which are listed on the steering group page. The scheme is financially supported by Scottish Natural Heritage and the Whale and Dolphin Conservation Society."

2.3.6 Prohibit Whale Watching One Day Each Week

It was stated, *“Under this alternative, whale watching would be prohibited one day each week to reduce harmful impacts to whales for this 24 hour period. It would be difficult to educate recreational boaters regarding when they could or could not watch whales and what vessel activities constitute “whale watching” prohibited on certain days. As described under Subsection 2.3.1, Moratorium on All Vessel-based Whale Watching, it would be difficult to enforce this type of regulation.”*

The orcas need a break from the relentless pursuit of boats. The pleasure boaters often find orcas by looking for whale watch companies. No presence of the companies will help reduce the impact by all traffic. It would be simple to advise the fleet of the “orca day off”. In addition to educational materials about the new regulations, boat traffic reports could be announced on VHF #16 as with other notices.

Although commercial operations should be prohibited during “bad weather” days the one day within a 7 day period could be coordinated with poor weather and sea conditions. The reason for this weather ban is simple – boats have a difficult time determining where all the orcas are during good weather let alone trying to see them during poor visibility and rough seas. Whale watch companies have operated in dense fog with visibility as low as 75 yards. Under these conditions orcas could be easily hit.

One San Juan Safaris staffer reported to Orca Network on August 24, 2009 that there was heavy fog resulting in “extreme whale watching” and at one point lots of directional changes:

“Residents have returned to our waterways! ...The fog was incredibly thick to the south, masking the Orcas, other boats, and even the island in a damp sock of white. ...this was what I call "extreme whale watching" - after well over an hour of searching and the Orcas continually eluding the boats in the fog we got our first peek at 2 dorsal fins. The calm seas allowed us to hear the blows or breathing of the whales better than we could see them! ...The Orcas were lost again in the fog, we were ready to call it quits and head north to find other wildlife when we were graced with views of at least a dozen Orcas - lots of directional changes, they seemed to be fishing.... “

This type of risky operation must not be encouraged – it must be stopped.

16 2.3.11 Protected Area - No-go Zones Only When Whales are Present

It was stated, *“Under this alternative, vessels would be prohibited from entering an area only when whales were present in that area. It is not feasible at this time to notify boaters in real time when whales are present in a protected area and when they are not. There is currently no infrastructure to monitor an area for presence of whales or to broadcast ORCA RADIO the information to alert boaters that a protected area is in effect. Enforcement would be dependent on boaters being aware of the whales’ presence, which would not provide efficient and maximum protection of whales.”*

Well the “maximum protection” is limited in many cases due to lack of enforcement by government agencies. It is the responsibility of boaters to operate their vessel in a safe manner and part of this duty knows what is in your travel route. Looking out for orcas should be as common sense as looking out for logs. If there are “no go zones” regulations then if they see orcas they will know that they

must get out of their way. That is better than present situation that we have in waters off Point Roberts.

At this time the proposed no-go zone does not include Point Roberts.

Lifeforce and others urged Governor Gregoire to protect orcas by increasing enforcement and implementing a 1/2 mile voluntary No Boat Zone at Point Roberts. Further details at <http://lifeforcefoundation.org/newsitem.php?id=72>

Over a 2 day period 101 people signed a hard copy. Most of the 73 people who signed the online petition did it within 2 weeks. (See attachments)

The Petition read:

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) is 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. There are less than 90 orcas in total. Local waters off Point Roberts are a critical habitat;

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

Whereas, Washington Governor Gregoire took action to sign 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. In addition, 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 on the west side of San Juan Island, there is a Special Orca Viewing Areas that is a 1/4 mile voluntary no motor boat zone. There is a 1/2 mile zone around the Lime Kiln Washington State Park.

Whereas, Lighthouse Marine Park in Point Roberts is also a popular whale watch park. The Voluntary No Boat Zone would provide the orcas with a protected area around their favourite feeding and socializing areas. The Zone would also provide park visitors with Special Orca Viewing Areas;

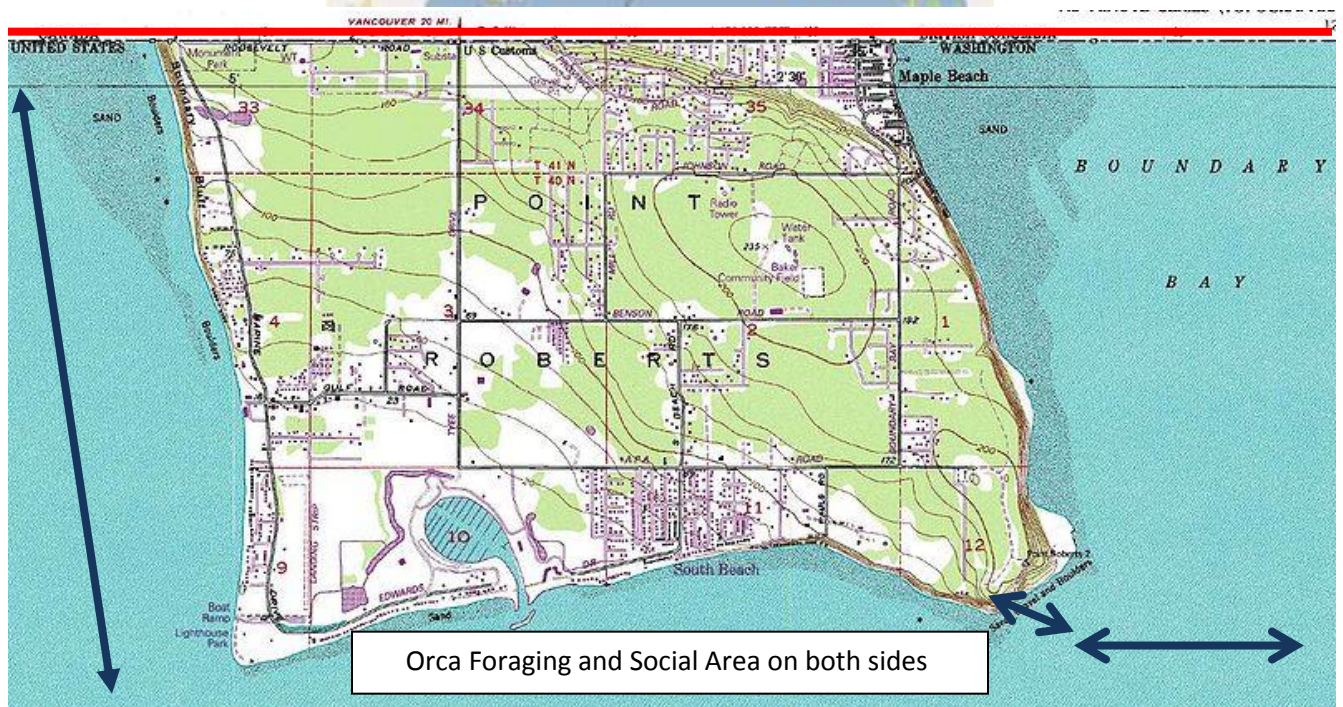
Whereas, The commercial whale watching fleet are still blocking the pathways of orcas, approaching within 100 meters and are positioning themselves between the orcas and the shore. Their self-policing and the system itself are not working;

Whereas, Further action is essential in order to guarantee that these magnificent orcas are truly protected;

Be It Therefore Resolved that I urge Governor Greigore 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.

POINT ROBERTS NO GO ZONE

Point Roberts provides a critical habitat for orcas. Their sanctuary here is constantly intruded upon by whale watch companies and pleasure boats. Our proposed No Go area is along the two shorelines of the Point since the orcas do not go into the Boundary Bay side.



SAMPLE PHOTOGRAPHS (Other photos in the Lifeforce report "Contact: In Pursuit of Orcas")

June 2009: Photos showing orcas close to shore pursued by a whale watch company that also turns to block their pathway. This company and numerous others have been photographed several times in violation of WA legislation. This same company also frequently goes between the orcas and shoreline.

The orcas forage in this area. They catch salmon along the westerly shore and in the South Beach bay and reef area. They can spend long periods if not disturbed.







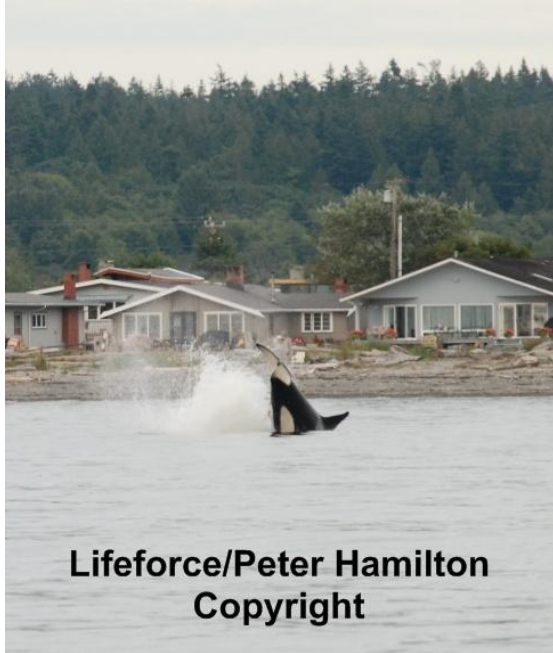
PLEASE WATCH THE NEW LIFEFORCE VIDEO “Stop Orca Cruelty!” to see why a No Go Zone is needed off Point Roberts.

<http://lifeforcefoundation.org/newsitem.php?id=111>

August 2008

Here is an example of orcas spending more time in the area when not harassed by boats. This one group of eight spent approximately 1 hour socializing close to one side of the Point and then another hour on the southerly side from the park to the reef. Others were spread out for over 1 mile and were also socializing and doing some foraging.

At one time a boat sped through them and they went further offshore. They later returned when it was quiet again.



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SRKWs heading south passing park on westerly side



SRKWs heading north passing Point Roberts Marina on southerly side



JUSTIFICATION FOR POINT ROBERTS NO GO ZONE

1. Historically the waters surrounding Point Roberts have been a critical habitat for orcas. It provided an excellent fishing area and quiet spot for socializing. This area was not well known by whale watch companies up until 2000 when companies started operating out of the Vancouver area. Vancouver Whale Watch hired spotters to come to Point Roberts and now numerous Canadian commercial boats travel these waters in search of orcas. Once contact is made they notified the US/Canada whale watch fleet. Frequently the entire fleet will travel to Point Roberts and/or the Fraser River.

The number of commercial boats can number up to 20 or more. The area becomes very congested. With all the boat traffic it is chaotic. There has been practically no enforcement by government agencies and only infrequent monitoring by NGOs.

2. During the 90s I operated in the Point Roberts area under a DFO research permit. I started in 1993. My research was the observation of behaviour and travel patterns of *orcinus orca*.

Prior to the invasion of Canadian/US whale watch companies orcas spent long periods in the area. These periods were reduced to pass bys when the commercial fishery was opened.

In general, orcas will spend longer times when no boat traffic or low boat traffic opportunities are present. High boat traffic appears to decrease foraging/socializing times. The decrease of foraging has been observed by Lifeforce when they are pursued by commercial and/or pleasure vessels. When harassed by boats they move on. Foraging behaviour, such as circling, is problematic for orcas with boats buzzing around them so they move on.

(See also video/photograph reports boats inshore of orcas and other harassment as stated above.)

3. In 2009 I recorded six consecutive days of sightings. This occurred twice in September. The more common sighting patterns include a) 2-3 days of sightings then miss one day before returning and b) every other day. In 2002 J pod circumvented the San Juan Islands to the Fraser River to Point Roberts in approximately 26 hours for more than a week.

Group(s) can travel back and forth pass the Point up to three times during a day. Groups can be separated in their travels from 30 mins to 3 hours.

Sightings are more frequent from May to September.

4. The no-go zone regulation would not apply to personal use of private vessels and commercial use for access to the marina adjacent to the no-go zone. Boaters should be required to wait for orcas to leave the area if they are approaching or exiting the marina.

5. The eel grass on the southerly side of the Point is impacted during commercial fisheries. The nets are dragged in shallow waters. Mountains of eel grass wash up on the beach.

Eel grass beds provide needed habitats for a diversity of marine life. They are also important for the recovery of salmon species. “Damage to eelgrass affects whole populations of fish, including threatened salmon, waterfowl, shellfish, and other animals, as well as the stability of our shorelines.” (WA Department of Ecology)

Photo – Commercial tender approaching the shoreline



The commercial fishery can also conflict with orcas who use the same shoreline to forage. Numerous boats and nets are in the pathways of orcas.

Preventive measures should include shutting off engines and sonar. Setting of nets should not be done when orcas are present.

Photo – Pleasure and Commercial fishing off Point where orcas try to forage



RECOMMENDATIONS

2.2.3 Alternative 3: 200 Yard Approach Regulation - Lifeforce recommends 400 yards

Worldwide whale watching is conducted by a variety of methods at a variety of distances. From hotel rooms to sea shores to cliffs. Viewing migratory populations or resident populations the land based whale watching activities are popular, financially viable tourism opportunities throughout the world. There is no factual base for whale watch companies alledging that whale watching from more than 100 yards would put them out of business.

Eco tourism has gotten out of control over the decades. A new norm must be established to respect and protect marine wildlife.

A 400 yards boundary has been recognized by whale watch industry as necessary when orcas are raising newborns. A 400 yard boundary is also defined as areas of special concern in Be Whale Wise.

Whatever the boundary is – either 200 or 300 or 400 yards – all engines must be shut down and all sonar devices turned off.

2.2.5 Alternative 5: Protected Area – Expanded No-go Zone

Lifeforce supports this No Go Zone and a No Go Zone off Point Roberts.

It was stated, “Under this alternative, NMFS would formalize a no-go zone along the west side of San Juan Island. The area would extend 1/2 mile (800 meter) offshore from Eagle Point to Mitchell Point (Figure 2-2). This is a larger, but simplified area compared to the no-go zone described under Alternative 4 (Figure 2-1). No vessels would be permitted inside the protected area from May 1 through September 30. This area would not overlap with shipping lanes or ferry routes and would not be directly adjacent to the Canadian border. The regulations would not apply to activities, such as scientific research, authorized under permit by NMFS.”

As stated research activities should not be exempted. In addition to my other reasons it will certainly be confusing to pleasure boaters. It would probably lead to boaters entering any No-Go zones.

It was stated, “The regulations would not apply to treaty fishing vessels lawfully engaged in actively setting, retrieving, or closely tending fishing gear. The regulations would not apply to any vessel where the operator could prove the vessel manoeuvre resulting in a violation was required for safety. The no-go zone regulation would not apply to personal use of private vessels for access to private property by landowners adjacent to the no-go zone. “

It should be clarified that boaters must wait until it is safe to go outside side of the recommended viewing boundary of 200 or 400 yards and/or enter a no-go zone.

Fishing operations can be like a maze, are extremely noisy and can emit high levels pollution (such as boat exhaust fumes). It should be clarified that engines must be shut down and all sonar devices turned off if safe to do so.

Much needed fishing moratoriums would further help restrict boat traffic.

ENFORCEMENT

It is commendable that the US government is going to implement new regulations but it will have little impact on protecting orcas if the government enforcement is not increased. It must be government agencies with the enforcement powers not NGOs.

Present enforcement plans do not adequately protect orcas. This is especially the case in Georgia Strait from Vancouver to the San Juan Islands. We urge you to take immediate action to help protect orcas by securing funds for government agencies to enforce regulations in the US and Canadian waters.

As stated, our 2008 report "Contact: In Pursuit of Orcas" provides many, many examples of whale watch companies' non-compliance with present rules and legislation. More enforcement is needed so existing and any improved laws are adhered to. Liferforce has been urging all to email US Commerce Gary Locke to increase orca protection by the Washington Department of Fish and Wildlife (Email TheSec@doc.gov). In Canada we also contact Minister Shea (Email Shea.G@parl.gc.ca).

There should be a joint enforcement policy between the US and Canada.

Increased enforcement will be needed in 2010 since any new regs would not be implemented until 2011. It is likely that whale watch companies and others will take advantage of this setback. They will continue to break the rules and existing legislation while the opportunities exist.

REGULATIONS SHOULD PROTECT ALL ORCA POPULATIONS AND OTHERS

All orca populations must be included. In addition to the Southern Residents this would include Northern Residents, Transients, Offshores and any others who may be found in US waters.

The whale watch companies will go after and continue to get close to transients, visiting Northern Community orcas and others if the regs do not include those populations. Liferforce photographic evidence of whale watch companies following transients with 100 yards is in our 2008 report.

Quite often proper ID is not done – especially by pleasure boaters. Enforcement issues would arise if all orcas are not included. This could make it problematic in laying charges or fines.

If all orcas are not included, the intent of such boat regulations would be somewhat hypocritical. Public perception would be that it is not okay to get close to SRKWs but it is alright to pursue others. The impacts are the same for all orca populations and regulations should reflect this educational message.

The boat traffic regulations must eventually cover grays, humpbacks, Dall's and Harbour porpoises, and others are relentlessly pursued.

In addition to this comment paper my recommendations are below.

APPENDIX A

Summary of Lifeforce Recommendations

Lifeforce recommendations include:

- 1. Both Canada and the US must implement the same stricter laws.**
- 2. The 200 meters should be 400 meters as recommended when companies are watching nursing orcas.**
- 3. There must be No Whale Watch Zones, such as Active Pass, in high boat traffic locations (Companies were in agreement in 2005 to not enter Active Pass.)**
- 4. There should be Whale Watch Zones where designated locations are defined to stop companies from continuously following them all day long.**
- 5. In addition to the San Juan Islands, No Go Zones should include the Point Roberts, WA shoreline and other critical habits in US and Canada.**
- 6. Time limits of maximum 30 minutes must be implemented. Presently companies can be on the orcas for two hours or more.**
- 7. Weather restrictions must include no whale watching during fog and stormy conditions such as seas greater than 3 feet. Commercial boats can't see the orcas and could hit them!**
- 8. There should be government licensing of whale watch companies. This would include a restriction on the number of licenses issued.**
- 9. There should be training of whale watch operators and ECO Certification of those in good standing.**
- 10. Governments should promote land-based whale watching such as Lifeforce's Orca Trails. The most important action to protect orcas is to promote land-based whale watching that is popular worldwide. Lifeforce's Orca Trails was created in the 90s. We would report to Park Managers when the orcas will pass by marine parks. One such location is Lighthouse Marine Park in Point Roberts (near Tsawwassen) where orcas will pass by as close as 50 feet off the beach. The Orca Center at this site shows photos and provides education information about protecting orcas.**
- 11. All orca populations must be included. In addition to the Southern Residents this would include Northern Residents, Transients, Offshores and any others who may be found in US waters.**

APPENDIX B

Petitions – Online and hard copy

See Attachments

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