

OPEN LETTER
August 22, 2007

To: Loyola Hearn, Minister of Fisheries and Oceans
Cc: Marilyn Joyce, Marine Mammals Division, DFO
From: Peter Hamilton, Founding Director, Liferforce Foundation
Re: Orca and Marine Wildlife Protection

I have sent two emails to DFO's West Coast Division, in respect to the fuel spill at Robson Bight and implementing methods to protect designated endangered orcas known as the Northern Community. I have not received any response.

I would like to discuss the duties and responsibilities of government agencies pursuant to the Species At Risk Act (SARA) and other relevant legislation. As in the US, the Federal Government could be sued for not enforcing laws under Marine Mammal Protection Act (MMPA) or Endangered Species Act (ESA). Liferforce is seeking legal advice as to similar Canadian Federal Government responsibilities.

DFO's Peter Ross has stated that diesel fuel can certainly harm orcas. Diesel is highly toxic and can even cause death. It is also common knowledge that orcas do not have the capability of smell (no developed olfactory system) and cannot determine their exposure to toxic fumes. It is our position that appropriate measures have not been taken to reduce and or prevent exposure. Our concerns:

1. Failure to use all appropriate preventative measures to stop the exposure of approximately 60 orcas known to be in the area.
2. Failure to use all appropriate preventive measures to reduce any further exposure to the approximately 60 orcas presently in the area.
3. Failure to take all appropriate measures to prevent exposure of other approximately 170 other orcas who may have not been exposed and could enter the polluted areas.

In addition, to guaranteeing an immediate containment and cleanup, appropriate measures also include the use of sound attractors as proposed by Liferforce. For several years, I have been urging DFO that this method be available for emergency responses. The methods that I have developed through my research can change the course of orcas in order to keep them away from the fuel spill.

The use of benign sounds does not have any detrimental affect on orcas' hearing. The curious orcas are attracted to sounds they hear in the distance. Once the orcas start approaching the sound source at our boat the sound is removed from the water. This further eliminates any possible of damage to the hearing and prevents familiarization of the methodology so it can be used again.

The onus is on DFO to take immediate action to protect the orcas as we outlined above and in addition to other actions that we would like to discuss. The DFO responsibility is also applicable to other species affected by this fuel spill as mandated under legislation. Presently, the system has failed. DFO must not wait for orcas to die before you fulfill all of your responsibilities.

Since this fuel spill is a catastrophe that threatens the survival of the orcas please respond immediately.

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