PUBLIC SUBMISSION

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Docket: NOAA-NMFS-2008-0327
Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0018
Comment from Jacklyn Barrs

Submitter Information

Name: Jacklyn Barrs
Address:
Victoria, British Columbia, Canada,
Organization: Whale Nerds Unite

General Comment

The southern resident killer whales require the protection of Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). In addition, the required protection from the Species at Risk Act of Canada (SARA) due to their utilization of waters that are both Canadian and American. Therefore, the current laws and regulations that are in place should be enforced, which would result in those "individuals or eco-tourism companies", who blantently disregard the rules being punished.

The new regulations are punishing the "innocent"; the public. Eco-tourism is a necessary "educational platform" for the plight of these endangered animals, which were historically impacted by our lack of knowledge (biotoxins) and currently impacted by our greed (commercial gain from salmon). Simple math: loss of salmon = loss of the southern resident killer whales.

Although, whale watching is a "commercial" industry, it relies heavily on the plight of the animals and the concern for their survival in the wild by the public. The first magnificant "encounter" with killer whales affects each and everyone in our own way. It results in an emotional change, which for many leads to a lifestyle change, i.e. reduction of a consumerism mentality, water usage, chemical usage, or who to support politically. My first sighting of a killer whale in the wild (on a ferry ride from Horseshoe Bay to Nanaimo) on my way to Ucluelet to go

whale watching in April 1992, defined the species that I was going to scientifically research.

The "public" needs their chance to "encounter" these animals and experience that change, without it...would the public truly care what happens to these animals.

The current regulations are enough to conserve and protect the southern resident killer whales and all the other animals the inhabit the waters of the Salish Sea. However, the regulations need to be "enforced" for the conservation and protection the animals.

Comments on Proposed Puget Sound Vessel Regulations to Protect Killer Whales

Please write your comments below and give to a NOAA representative, or mail to: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

(1) I do not feel there is enough ADEQUATE research proving vessel noise hurts the whales – Dolphins always follow boats & enjoy it – I think it is possible whales enjoy company as when we are stopped, they will swim towards us.

(2) Whales need salmon. Sport fishermen fish with barbless hooks & a small limit, hardly enough to hurt their food supply – Tribal fishermen do hurt supplies & are excluded in proposal – We were fishing that area in August & were surrounded by over 25 commercial fishermen w/ large nets & they were dragging everything including non salmon – These boats were pushing us to shore & created a dangerous situation – so much for us trying to catch dinner with our barbless hooks. Their intent was to chase the sport fisherman out with rude encroachments & it worked – Something should be done – no whales at all there that day. Commercial fishermen are also excluded in proposal –

So if noise from boats hurt whales – is it only the boats of sport fishermen? If whales need salmon to eat do you suppose sport fishermen

(over)

deplete their supplies enough to hurt the whales. Recent publications in newspapers indicate that there was a lot of salmon this year & the whale pods did well & babies were born - increasing the number of whales.

You need to send a rep out to witness what the commercial boats do. A man with "Catchmore Charters" was there & he was upset with their behavior.

I have heard about a "slow" zone rather than a "no go" zone. That doesn't help salmon supplies but would make a less dangerous environment for the whales.

Please check into the commercial boats. Us retired people enjoy some fishing but to be bullied by them makes it hard to enjoy fishing. Is there a hot line to call when this behavior occurs?

Sandra D Johnson
11746 Mc Corkle Pl
Anacortes, WA 98221
360-588-8125
georgeandsandy@comcast.net

Comments on Proposed Puget Sound Vessel Regulations to Protect Killer Whales

Please write your comments below and give to a NOAA representative, or mail to: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

- PROPOSED RULES ARE UNACCEPTABLE
- DO NOT ADDRESS LACK OF PREY ABUNDANCE
- DO NOT ADDRESS POLLUTION & CONTAMINATION
  - TOXINS DO KILL WHALES, JUST REVIEW THE CAUSE OF DEATH OF J38 EVERETT,
- THE POPULATION OF EVERY OTHER PREY SPECIES ON THIS PLANET RELIES ON THE POPULATION OF ITS PREY SPECIES. THIS IS SCIENTIFIC, ACCEPTED EMPIRICAL, HOWEVER NOT EVEN ADDRESSED IN THESE RULES.
- HOW UNSCIENTIFIC!
- HOW UNSUPPORTABLE!

DAN KUKAT
250.686.4886

OVER →

TO REDUCE THE ACOUSTIC IMPACT OF A "FAST BOAT AT 100 YARDS" (LYNNE BARRE 9/30/09)

JUST SLOW DOWN THE BOATS, IN THE PROXIMITY OF WHALES, SAY 400 YARDS. TO, SAY 7KTS.
AND LEAVE THE VIEWING DISTANCE AT 100 YARDS AND SAVE THE INDUSTRY WHICH EDUCATES THE PUBLIC WHICH SUPPORTS MANY OTHER EDUCATION PROGRAMS.
ITS EFFECTS REACH VERY FAR AND EFFECT MANY PEOPLE WHO IN TURN EFFECT MANY OTHER PEOPLE.

ENFORCE THE EXISTING RULES, EXPAND THE EFFORT & THE BUDGET.

AND MOST IMPORTANTLY
EXPAND THE RESEARCH BUDGET
DETERMINE WHAT'S KILLING THESE SRKW
DON'T GUESS!

Comments on Proposed Puget Sound Vessel Regulations to Protect Killer Whales

Please write your comments below and give to a NOAA representative, or mail to: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

MY NAME IS [illegible] SCHANER AND I OWN A WHALE WATCH COMPANY IN VICTORIA B.C. BORN AND RAISED IN VICTORIA I HAVE WITNESSED THROUGH THE YEARS THE CAPTURE PROGRAM AND THE BIRTH OF THE W.W. INDUSTRY. I STRONGLY SUPPORT THE PACIFIC WHALE WATCH ASSOCIATIONS PROPOSED POSITION OF NOT INTENTIONALLY BEING WITHIN 100 YDS OF SRKW'S AND NOT BEING IN THE ESTABLISHED PATH. IF NOISE IS REALLY THE ISSUE WHY NOT PROPOSE A "NO NOISE ZONE" INSTEAD OF A NO GO ZONE. IF EVERY MOTORIZED VESSEL WAS TO SHUT DOWN THEIR ENGINES WHITHIN 200 YDS OF SRKW'S AS APPOSED TO NOT BEING WITHIN 200 YDS THE OBJECTIVES OF NOAA'S PROPOSAL WOULD BE MET AND EXCEEDED

Subject:
From: John Risser <riz@cedarcomm.com>
Date: Mon, 05 Oct 2009 13:11:34 -0700
To: Orca.Plan@noaa.gov

Administrator, Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way, NE.
Seattle, WA 98115.

To Whom it May Concern,

I am writing this letter is response to the proposed Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act {50 CFR Part 224 [Docket No. 070821475–81493–01] RIN 0648–AV15}.

In the proposal I see several flaws that are not scientifically based, most notably the banning of sport fishing within the proposed "no go" zone on the west side of San Juan Island. The act of sport fishing and the affects it has on the natural behavior of the southern resident population of Killer Whales appears to be mainly based on interpretation of opinion and not scientific fact according to the references listed in the proposed regulation.

This proposal would also severely affect the local whale watching industry by excluding it from one of its most popular areas. It is also in the best interest of the local whale watching industry to protect the southern resident population of killer whales, as they appear to be one of the most popular whales to observe. The local whale watching industry respects the natural behavior of killer whales making this proposal not necessary.

According to scientific fact, pollution in Puget Sound (most notably the presence of PCB's) has a greater impact on the survival of the southern resident population of killer whales. I feel the effort and resources devoted to this current proposal would be better served by addressing the issue of pollution in Puget Sound than establishing "no go" zones. Tribal and Commercial gill netting of the rivers and sound need to be addressed.

Last couple of items are:
1. The alternative plan by the Whale Watching Association needs to be considered.
2. Mandatory Licensing of all Boat Operators; Private along with the current requirement of commercial operators that includes a chapter on operation of a Vessel around all whales; I.E. the does and Don'ts
3. Enforcement by Lawfully appointed officers not Sound Watch or Friends of the San Juan's. Can most effectively accomplished by Light airplanes and Cameras that can take pictures of the boats registration numbers, the operators and the offense. Tickets are then mailed

Sincerely
Skyler White

5519 261st NW
Stanwood WA, 98292

Subject: orca rules
From: gomesrj@comcast.net
Date: Sat, 17 Oct 2009 23:45:11 +0000 (UTC)
To: Orca.Plan@noaa.gov

NOAA, Your thought process amazes me. If you are so concerned about the whales survival and the declining numbers of salmon in your waters do like California and Oregon. Close your waters to ALL fishing not only to the sport fisherman but to the indians also. You can't tell me their nets don't cause "behavioral disturbances including swimming patterns,speed,direction and surfacing behavior", not to mention that they are completely raping the waters of salmon and anything else that gets caught in their nets. The whales don't leave because of the nets, they leave because there are no salmon to feed on . Like most government thinking your solution is very short sided not to mention ridiculous. Give the waters a rest and let nature heal itself without human interference . I realize, of course, this would create a big problem with the indians and your treaty but protecting our environment is EVERYONES responsiblity. With all due respect you need to seek a much broader and equitable solution. Janet Gomes

(a California resident concerned about all our West coast waters)

October 13, 200

Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE, Seattle, WA 98115

Dear Sirs:

This letter is to express my opposition to NOAA's misguided proposal to protect the Orca whale population in the San Juan Islands.

NOAA'S proposal is based on questionable data at the very least. And the proposal is <u>Illegal</u>! The proposed exclusion of Tribal Fishermen is Racial Bias, which is against Federal Law! A boat is a boat. If a boat bothers an Orca whale the nationality of the operator is moot.

Saving the Killer whales is necessary and worth doing. However I am strongly opposed to the regulations and restrictions currently proposed by NOAA. There is need for impartial scientific panels to examine and validate the scientific data collected by NOAA to date.

Sincerely,

John E. Reed

John E. Reed
2015 Piper Circle
Anacortes, WA 98221

ROBERT M DUNNE

PO Box 11535
Bainbridge Island, WA 98110
Telephone: (206) 855-0737
E Mail: r.dunne@att.net

October 14, 2009

Assistant Regional Administrator, Protected Resources Division
Northwest Regional Office National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA98115

re: *Proposed Rule Modification Pertaining To Protection Of Puget Sound Orca Pods*

Dear Sirs;

I am writing to object to the proposed Rule Change pertaining to vessel navigation in the vicinity of Orca populations. I speak from my twenty year experience as a pleasure boater navigating the inland waters of Puget Sound, Georgia Straits and the inland waters of the Northwest Passage to Southeast Alaska. During that twenty year period I have been blessed by several encounters with both solitary Orcas and small family units sharing the waters. At all such times, whether in US or Canadian waters I have observed the rules of the Marine Mammal Protection Act of 1972 and regulations pertain thereto. Ironically, I have observed Orca's "violating" such rules by initiating contact with vessels by approaching the same much the same way Grey Whales have been know to approach vessels in San Ignacio Lagoon and Magdalena Bay in Baja California.

Adopting a "No Entry" zone in the San Juans will be fraught with uncertainty and difficult enforcement. The mariners who are most likely to violate such a rule are the ones least likely to "Know where they are," which only lends to difficult enforcement. A rule that absolutely bars entry to navigable waters without regard to whether or not Orcas are present is

unreasonable on its face. The proposal is further tainted by the hypocrisy of allowing certain privileged groups to navigate the waters with impunity while baring others.

Enlarging the buffer zone from 100 to 200 yards, which I believe is also proposed, does not trouble me as much but does challenge the mariner to observe such a distance regardless of the movements of the whales in question.

The Rules regarding Orcas as presently constructed are sufficient to protect the populations involved if continued efforts are made to educate the boating public on their terms and meanings and if a modest effort were to be made at enforcement. In the few instances when I have seen large numbers of boaters attempting to observe the populations, the presence of one government patrol craft (Be it Coast Guard, NOAA or San Juan County Sheriff) would have been sufficient allow free passage of any whales in the area.

Very truly yours,

My name is Larry Carpenter; I reside in Mount Vernon Washington. I've been in the boat business, with 2 dealerships for 31 years. I have a US Dept of Commerce Appt. serving for l0 years on the US Section of the Pacific Salmon Commission/US Canada Treaty. Here are some facts.

1.) My family with 3 children have fished and enjoyed the whales for 40 years on the West Shore of San Juan Island. I would like the Orca's protected but do not believe that excluding recreational fishers from the No Go Zone would make any difference to the whales, but certainly would negatively impact those that now fish the zone area and those that support the activity. The recreational fisherman does not in anyway negatively affect Southern resident killer whales. To the contrary, I have tens of thousands of hours fishing the area spelled out in your rule proposal. Orca's like being around sport fishing boats. If they didn't they wouldn't cruise thru the recreational fish boats as often as they do.
2.) Regarding food supply for SRKW, the recreational industry has been very aggressive in supporting mass marking and selective fishing as it relates to Chinook and Coho salmon. Currently the output in Puget Sound is 60 million Chinook and 35 million Coho all marked. This added food source is readily available to Orca's. We are part of the solution, not the problem.
3.) To our knowledge no one at NOAA persued communication with any recreational fisherman or any industry leadership attempting to learn and discuss the rule proposal regarding recreational traffic and whales. That in itself leaves many unanswered questions. Why would NOAA not talk to the people on the water? There are far more sport fishing boats on the West side on San Juan Island than all other vessels combined.
4.) As a business owner that is directly linked economically to the outcome, I'm appalled at the approach to information gathering that has driven the rule proposal thus far. The taxpayers deserve better. I categorically disagree with your proposal and it will be a long time before this is settled. There is much work to do on this issue. If you desire further discussion my contact information is listed.

Larry Carpenter
800-838-2176
360-336-2176
larryc@mastermarine.com

Sept. 29th 2009

We attended NOAA's presentation in Anacortes on Sept. 24. It was very well attended, by whale watching boat owners, from San Juan, Anacortes, Seattle, and Canada.

Your changing the present 100m/yrd of viewing the whales is something that bothers us. The 100m/yrd in our view is a good distance and one that can be enforced. To change it would really affect the wale watching boat owners and the tourist in that industry.

In your plan, closing the whale watching season and the charter boat and pleasure boat fishing time May-Sept., in our mind is a bad plan. Both industries would be put out of business. A big loss to the tourist season, jobs and the economy of our area. As you know the whales are a curious mammal and pop up to the boats with out any notice, our captains shut off engines when this happens, because they are trying to protect the whale.

Please reconsider your plan of closing the area May-Sept., the 100m/yrd viewing area of the whales. Throw out the study done by your Massachusetts consultants and have some one from Washington, that knows the problems of the Puget Sound and our whales. Consult with the people your decisions will affect, the economy of the area.

We love having the whales in our area and we want to protect them, yet we want to view them at a reasonable distance, we want to fish the areas and share in the schools of fish.

Thank You for asking for personal testimony in writing at the 24th meeting.

Pat & Betty Mooney

Pat & Betty Mooney
2010 41st Street
Anacortes, Wash. 98221

Wednesday, January 06, 2010

Ms. Donna Darm
7600 Sand Point Way, NE
Seattle, WA 98115

Ms. Darm:

The following comments express my concern to NOAA's proposed regulations to protect Orca's in Puget Sound from "selected" marine vessels. As a member of Coastal Conservation Association (CCA) Washington, I am representative of a large population of ardent marine conservation supporters and recreational fishermen and women and I recognize the contribution we make to the economy of the area. My concerns with NOAA's proposed vessel restrictions are as follows:
Recreational fishing boats are arbitrarily selected to be excluded from the proposed "No Go" zone. This, despite the fact that the Draft Environmental Assessment calls attention to the low probability of these vessels affecting the killer whale pods. It should be obvious that certain types of commercial fishing that are proposed to be exempt from the "No Go" zone are far more detrimental to the whale population than a recreational angler. To the best of my knowledge, there has been no scientific evidence presented by NOAA to indicate that the whale pods in Puget Sound, and particularly those in the proposed exclusionary area are affected by recreational vessels and not by the type of vessel exempted from the zone. It would appear that NOAA has arbitrarily chosen to exclude the only user group that has traditionally shown a lack of cohesiveness in arguing it's case. It IS a fact that the whale pod that spends the most time in the area has increased in numbers, a point at odds with the opinion of NOAA.

Before considering this proposal to limit access to a popular Puget Sound area NOAA should carefully exam the economic impact that would occur. Economists, business owners and recreational fisherfolk should be consulted to determine the monetary value that the recreation angler contributes.

As a final note comment. Does it really make sense to enact additional rules when there are already rules in effect to protect the Orca population? Wouldn't it be reasonable to assume that enforcing (and funding) these existing regulations be a priority?

I strongly support efforts to protect and increase the Orca population in Puget Sound, but NOAA's proposal will do little to advance those efforts.

I appreciate the opportunity to comment.

.

Sincerely,

Grant Darby

Grant Darby
51 Sierra Pl
Sequim, WA 98382

My name is Larry Carpenter; I have 2 boat dealerships in Mount Vernon, Wash.

I rise in opposition to the rule proposal presented by NOAA-F.

I've fished along San Juan Islands West shore for decades, spent thousands of nights in Mitchell Bay. I have had thousands of experiences fishing along side Orca whales. The whales have always interacted with boats socially and without concern. In my opinion they enjoy being around the boats and always go about their business very effectively and efficiently.

Last week in Anacortes I spoke about Chinook abundances and think it is important to reiterate that point. Last year we renegotiated a new 10 year US – Canada salmon treaty. In that treaty Alaska had to make significant reductions in their harvest of Chinook salmon. This was to allow a pass thru of Salmon to Canada, and the Pacific Northwest. Canada by agreement was to reduce their West Coast Vancouver Island commercial troll fishery by 30%, again passing thru many more Chinook salmon to Washington and Oregon waters.

Secondly as I mentioned last week thru massing marking, and ongoing hatchery reform improvements we are raising and releasing 60 million Chinook and 35 million Coho salmon in Puget Sound annually. Those are significant numbers that are raised for people and whales. That I think, says much about improved forage opportunities.

Next point is the health of Puget Sound. Last week on King 5 there was a news piece regarding how well the health of Puget Sound is improving. They stated significant reductions in pollutants. If true, it is very positive, I would defer to Kathy Fletcher of people for Puget Sound, who I have the highest regards for regarding her knowledge and experience on this issue.

In closing let's be diligent, responsible and reasonable. Let's take some time, watch what unfolds, and track the recent rebuilding trend of S.R.K.W.

To exclude fishing and boating from the 12 mile stretch along San Juan would be an economic and cultural disaster

So, I believe the forage abundance for Orca's is dramatically improving.

Puget Sound shows signs of better health.

Let's not over react to boat interaction concerns because by now hundreds of citizens have told you that is simply not a factor. Orca's have lived, loved and socialized around vessels in Haro Strait, since the first boats arrived.

We in the recreational boating and fishing industry are a huge part of the solution in going forward. Thank you for the opportunity to be heard, we look forward to working with NOAA.

Larry Carpenter

Comments on Proposed Puget Sound Vessel Regulations to Protect Killer Whales

Please write your comments below and give to a NOAA representative, or mail to: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

PLEASE DO NOT INCREASE THE DISTANCE FROM 100' TO 200'. DO NOT INCREASE THE AREA ALONG WEST SAN JUAN ISLAND AS A NO GO ZONE. A COMPROMISE TO SLOW BOAT TRAFFIC MIGHT WORK, OR A LIMIT TO NUMBER OF HOURS PER DAY FOR TRAVEL WITHIN THAT AREA COULD BE A BETTER FIT.

TOO MANY BUSINESSES AND SPORTS ENTHUSIASTS WOULD BE IMPACTED WITH THE PRESENT PROPOSAL

SUBMITTED BY

MARILYN FIRLOTTE
5912 SUNSET AVE, ANACORTES

10-2-09

Dear Administrator,

This concerns proposed new restrictions on whale watching in Puget Sound.

A marine biologist from Evergreen College speaking on NPR recently said any whale carcass found in Puget Sound has to be handled as hazardous waste because it is so full of toxins. This obviously has nothing to do with boats - whale watching or otherwise. The real problem is Puget Sound and it's marine life are heavily polluted. Salmon returning to spawn are as well, as was researched several years ago by a professor at the University of British Columbia.

The idea that boat engines interfere with the whale's echo location is unproven and ridiculous. The exception might be strong sonar pulses. The whales in the Sound have managed well as long as there is enough food - which is questionable. However, the decline in salmon has nothing to do with whale watch boats.

In africa, the only reason there is still any game is because many tribes see they get more value from live animals through tourist interest & money than dead animals. Here, whale watch boats create an interest which fosters care & respect which in the long run helps the whales.

The off limit zone proposed on the west side of San Juan Island allows for the exclusion of Tribes and commercial fishing boats. Last time I checked both these groups use boats with engines. This shows without doubt that the real impetus from the group behind this proposal is a personal vendetta against whale watch boats - it has nothing to do with protecting the whales.

Subject: opposition to proposed rules
From: San Juan Excursions - Whale and Wildlife Tours <sanjuanex@watchwhales.com>
Date: Sat, 08 Aug 2009 12:13:02 -0700
To: Orca.Plan@noaa.gov

Hello,

I strongly disagree with the proposed rules. I don't feel that there is the scientific data to move us from 100 yards to 200 yards. All of the data that I have come across says that vessels "may" interfere with the orcas. In my opinion this in not enough evidence to push us back. I support the current 100 yard viewing distance. I also think that closing off the west side to all vessels is completely ridiculous. This won't solve anything. The only thing this will do is appease the wealthy land owners who don't want anything blocking their view. I don't see how these new proposed rules will help the orcas. I only see how they will hurt the hard working people of San Juan Island. Ten million dollars of lost revenue (from the kayaking companies that will go out of business) for the county that is already hurting economically doesn't sound like it will help much either. Things are working the way it is currently. Don't change a thing.

Peter Ancich
San Juan Island

Subject: San Juan Island buffer zone
From: Claudia La Cava <claudialm@rockisland.com>
Date: Thu, 20 Aug 2009 13:43:23 -0700
To: Orca.Plan@noaa.gov

TO WHOM IT MAY CONCERN:

I believe we should have a buffer zone, but the one proposed keeping kayakers off the West side of San Juan Island won't keep the whales from dying of disease and/or starvation. There is no evidence that kayakers hurt whales. Kayaks don't hurt the environment. There appears to be no logic in your proposal.

Concerning the motorized tours, from the information I have gathered from the Whale Museum and writings of Ken Balcomb, if the present buffer rules are obeyed there is no evidence of damage to whales by tour boats. However, there is strong evidence of damage to marine life by boats using underwater sonar - a buffer zone for that would be many miles.

Observing whales and other marine life in their natural habitat has made millions of people aware of their endangered status. That information can only help their chances for survival.

What you should be doing is implementing drastic measures to limit pollution in the Puget Sound and the Salish Sea, with new restrictions on fishing. The survival of the orca is dependent on it. With cleaner water and a bountiful and healthy salmon population, there will be plenty to go around. Without that, the fishing industry will die along with the fish.

The pollution of our waters is the greatest enemy of marine life. Not kayaks and tour boats.

Thank you,
Claudia La Cava
Friday Harbor
San Juan island, Wa.

Subject: Purposed Changes
From: Phyllis Freshour <phylfreshour@gmail.com>
Date: Thu, 20 Aug 2009 17:28:40 -0700
To: Orca.Plan@noaa.gov

We went on the 5 Star Whale watching tour on 8/19 and had an amazing experience with J Pod. I found the naturalist on board to be very knowledgeable about the Pod and whales in general. The distance and care demonstrated by the crew had absolutely no effect upon the pod. The purposed changes do not seem to have any scientific basis in light of our experience. Please reconsider making the suggested changes. Whale watching gives the public a broader understanding about this precious resource and if the experience is significantly reduced it will affect passionate public support.

Phyllis Freshour

Subject: Orca plan, no boat zone
From: "Alan R. Williams" <petman@clearwire.net>
Date: Mon, 24 Aug 2009 18:18:09 -0700
To: Orca.Plan@noaa.gov
CC: rick.larsen@mail.house.gov, "'Smith, Rep. Norma'" <Smith.Norma@leg.wa.gov>, "'Bailey, Rep. Barbara'" <Bailey.Barbara@leg.wa.gov>, maria.cantwell@mail.senate.gov, patty.murry@mail.senate.gov

Orca Plan
N.O.A.A

Dear Sirs, it was with great concern I read of your proposed "No boat Zone" on the West side of San Juan Island. Your proposal seems to cause more problems than it corrects. If I understand it right you are proposing to shut off one of the premier salmon fishing areas in Puget Sound during the salmon run. You are proposing to make it a criminal act to be within 200 yards of any whale, even though the act is intended to protect only the Southern Orca population. This seems to only apply to recreational boaters. This seems tantamount to using a sledge hammer to kill a fly. If boat traffic is so detrimental to the whale population why not restrict ALL boats in the area? Why exempt commercial fishing boats, government vessels and other commercial boats, do they have some secret propulsion system that is not detrimental to the Orcas? I have fished this area since the mid 70's and have never seen any aversion between fishing boats and the local Orcas, I have had them swim next to and under my boat as if I didn't even exist. I agree there may have been times that individuals have harassed the Orcas, let the local authorities identify and punish those miscreants rather than punish the rest of us who want to use the area. I understand the proposed restriction is not in response to a precipitous decline in the population but appears more a reaction to maintain the current population. From what I have seen the last few years there is increased awareness of the whales and a desire not to interfere with them. The current 1/4 mile from shore and 100 yard distance seems more than adequate.

In conclusion I implore you to use some reason in setting new standards. Let's try to find out what is not working and fix it rather than impose such draconian restrictions that everyone suffers.

Sincerely

Alan R. Williams DVM
Mount Vernon, WA

Subject: Change to Southern Resident Killer Whale Policies
From: Leia Lumsden <ljlumsden05@comcast.net>
Date: Sat, 29 Aug 2009 11:33:09 -0700
To: Orca.Plan@noaa.gov

To whom it may concern,

It is my opinion that rather the core issue with the current policies is primarily rooted in violations to the current policy and making policies more stringent without improving enforcement is a useless effort and only serves to hurt law abiding citizens and businesses. Before changing current regulations the NOAA should consider increasing penalties for violations of the current policies, creating a volunteer enforcement group with authority to levy penalties on behalf of NOAA and the US Government enforceable in court.

Moreover, the ban on non-motorized craft seems entirely senseless. The ban would prevent recreational kayaking (for whale watching purposes or otherwise) during a significant portion of the year around the San Juan Islands. It is difficult to understand how the banning of non-motorized craft increases the safety and security of the whales in any way.

Please re-examine the current policies and re-evaluate whether or not the proposed actions will actually have any measurable increase in the safety and security of these value Southern Resident Killer Whales. In my opinion, the proposal does not meets its core objective.

Thank you.

Jason Lumsden

425-438-1073

PUBLIC SUBMISSION

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Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0022
Comment from Tom Averna

Submitter Information

Name: Tom Averna
Address:
deer Harbor, WA,
Organization: Deer Harbor Charters

General Comment

While I'm in favor of further protection for the southern residents, I feel the 200 yard viewing limit has to be a viewing limit agreed by both sides of the border. Without imposing this proposed viewing limit while the orca are in Canada, the new limit will be confusing to most when in places close to the border on the U.S. side, such as the west side of San Juan Island.

I disagree with the 1/2 mile no boat zone due to the dangerous tide rips 1/2 mile off San Juan Island when the weather is rough. It is not a safe place for kayaks and small boats during a westerly gale with a strong flood tide.

Imposing a 400 yard zone so as to not be in the path of a whale is not acceptable. How can anyone predict the movement of a wild animal from so far a distance. I do agree the 400 yards should be a slow approach zone.

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Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0016
Comment from Edward Machak Jr

Submitter Information

Name: Edward George Machak Jr
Address:
482 Leon Dr
Endicott, NY, 13760-1320
Email: pwp2@att.net
Phone: 607 754 3442

General Comment

I recently did a whale watch with 5 Star Whales out of Victoria, B.C., Canada. All the boats in the group were very careful to observe the 100 meter minimum approach distance to the whales.

The whales need more food and extending the separation distance will have no effect.

Thank you,

Ed Machak

PUBLIC SUBMISSION

As of: February 01, 2010
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Docket: NOAA-NMFS-2008-0327
Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0012
Comment from breanna elsea

Submitter Information

Name: breanna elsea

General Comment

I UNDERSTAND THAT THERE TRYING TO PROTECT THE WHALES BUT WHY PUNISH THE WHALE WATCHING BOATS THAT WERE OBEYING THE FIRST LAW THEY SHOULD BE PUNISHING THE ONES THAT WEREN'T OBEYING THE LAW. EVEN IF THIS DOES HAPPEN THE ORCAS WILL STILL COME 100 YARDS AGAIN AND MAYBE CLOSER. I HAVE A VERY SPECIAL CONNECTION WITH THESE ANIMALS AND THE MAIN PROBLEM IS THE SALMON .
SINCERLY, BREANNA

Subject: This is rediculous
From: Dick and Chris Bangsund <richard42@centurytel.net>
Date: Wed, 29 Jul 2009 07:34:47 -0700
To: Orca.Plan@noaa.gov

So your saying the Indians and commercial boats engines don't interfere with Orcus feeding issues?? You people are crazy, given some authority leaves you with no common sense. By the time your finished the whales will be the only thing enjoying the ocean. Leave things alone and go home....Dick

Subject: OPPOSED TO ADDITONAL REULATIONS ON VESSELS NEAR ORCAS
From: Bob Hyde <hyde.family5@verizon.net>
Date: Thu, 06 Aug 2009 06:53:56 -0700
To: Orca.Plan@noaa.gov

I am opposed to your additional regulations on vessels near Orcas. Your science is fuzzy, and I believe a subterfuge for eliminating all whale -watching and recreational boating anywhere near the orca pods. I would submit that the supply of food (salmon) regulates the number of orcas rather than boat engine noise.

The creation of no-boating zone off of San Juan Island is particularly offensive to me as a recreational boater and occasional whale watch boat passenger.

Respectfully,

Bob Hyde
1703 8th St
Anacortes, WA

Subject: NOAA studies
From: Rob Heesen <rheesen@BBenefits.com>
Date: Fri, 23 Oct 2009 16:02:45 -0700
To: Orca.Plan@noaa.gov

Hello:

Assistant regional Administrator

Protected Resources Division

Northwest Regional Office, National Marine Fisheries Service

7600 Sand Point Way NE

Seattle, WA 98115

I am opposed to the Federal government plan and don't feel that the NOAA proposed regulations are appropriate for this area. They are too restrictive. This should be handled on a State basis. Thank you for your time and consideration in this discussion.

Robert Heesen
Business Benefits Corporation
1818 Westlake Ave N. #424
Seattle, WA 98109
206-286-6562 or 800-342-9635
206-286-6575 Fax

Subject: Orca Plan
From: RWHAWTHORNE@aol.com
Date: Fri, 23 Oct 2009 20:03:00 -0400 (EDT)
To: Orca.Plan@noaa.gov

Assistant Regional Administrator for the Orca Plan:

I am writing to express my disagreement with your proposal for new restrictions in Puget Sound. While I believe that the majority of the work you are doing to improve habitat and water quality is to be commended, I feel this plan goes to far in your protection of this great mammal.

I have had the occasion to kayak in the San Juans and have had the odd encounter with the orcas. I include these experiences among the best in my life. These experiences have lead me to believe that we need to make steps to ensure their existence. This plan, however, goes to far in its limits.

Thanks, Ryan W. Hawthorne

3314 Fuhrman Ave.
Seattle

Subject: comments on vessel restrictions, San Juan
From: allen rosenberg <ag2r@centurytel.net>
Date: Thu, 17 Dec 2009 19:27:09 -0800
To: Orca.Plan@noaa.gov

Attached is my comment on the proposed vessel regs, written after reading the proposal and attending the public hearing in Friday Harbor

Orca regs Word.doc	**Content-Type:** application/msword **Content-Encoding:** base64

This memo is a commentary on the proposed restrictions on boating near San Juan Island designed as protection for the Orca population.

Having read the proposal document, and attended the public hearing in Friday Harbor, I submit that the proposed restrictions are unnecessary, unnecessarily restrictive, unsupported by on-point research, and inadequate to actually positively affect the health and well being of the Orca population.

I don't have a particular problem with a slow speed (7 kts.?) zone, nor with somewhat increased stand-off-the-animals distance. It seems intuitive that the whales would like that.

I can see why the whale watch industry might object, though, at least to the latter. It will certainly reduce the appeal of their product, and the intensity of the experience. To the extent one credits the claim that they educate and help build a constituency for the Orca, it will vitiate that.

I strongly disagree with the half mile no-go zone. It doesn't impact me negatively personally, even though I live one lot back from the water inside the zone. In fact, we wouldn't mind not having a bunch of whale watch boats off our front yard. We seldom boat there, and don't bother to fish because, basically, there aren't enough fish to make it worthwhile (which is course the Orcas' primary problem as well). Reading the report, a primary argument for this restriction is the presumed reduction in the Orcas' acuity in finding prey. That's based on a signal to noise analysis, not on anything empirical. Makes sense, but it's not proof. Incidentally, the notion that boat noise drives off prey fish flies in the face of a century's all too successful commercial fishing experience.

The inclusion of self powered craft in the ban seems particularly, well, stupid. An Orca can easily evade a kayak, if it wants to, or kill it. I don't think there's any recorded incident of the latter. The research cited in the report isn't on Orcas, but rather hauled out seals. Hauled out seals behave differently than swimming seals, and Orcas aren't seals anyway. I'm sure you're sick of anecdotal reports by now, but I've had a harbor seal climb onto my kayak, and I don't think it was trying to hurt me.

A remark by a member of the panel at the Friday Harbor public meeting seemed to me to capture both a lack of understanding of the issues and a cavalier attitude. She said fishermen would just have to fish elsewhere during those months. The problem, of course, is that's where the fish are, when the fish are here. (That, of course, is also why the Orcas are here.) Closing the zone to recreational and non-tribal fishing during the season represents a real sacrifice. Possibly that's justified—though it's <u>not</u> justified by evidence in the report—but to suggest it doesn't is disingenuous at best.

I have another concern, to the extent that even the 200 yard rule applies to porpoise. If you're under way, it's not possible to stay 200 yards away from Dall's porpoises, or Pacific Whiteside dolphins, unless you have a very fast boat and run it fast. They clearly seek out and approach moving boats. I don't know whether it's playfulness, as

most people think, or a display of aggression, but these animals routinely approach boats, surf the bow wave and wake, swim under the hull. If you slow or stop, they go away. I don't know if they get bored, or leave in triumph after having defeated a foe. Compliance with the rule seems to require going to idle whenever the animals are close enough to you to notice you—which is quite a long ways.

In sum, I think NOAA should leave the existing regulations alone. If you feel compelled to do something, I suggest a speed limit zone, and possibly increasing the stand off distance modestly.

Thank you for your consideration.

Allen Rosenberg
San Juan Island

Subject: Re: Protective Regulations for Killer Whales in the NW Region Under the ESA and MMPA
From: Trev Neufeld <trev01@telus.net>
Date: Tue, 01 Dec 2009 18:13:50 -0800
To: Orca.Plan@noaa.gov

DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration50 CFR Part 224 [Docket No. 070821475-81493-01]RIN 0648-AV15

(1) Expand any regulation to include Oregon and California.

The SRKW's expand their range beyond Washington, especially in winter. Research suggests that Chinook Salmon is the preferred prey for the SRKW's and Chinook Salmon are much less prevalent in the inland waters of Juan de Fuca Strait, Haro Strait and Puget Sound in the winter.

(2) Maintain and Enforce the 100 yard viewing buffer.

The Noren paper suggests that from 2005 to 2006 the median viewing distance increased dramatically, from 25m to 85.5m. As boaters learned to comply with viewing buffers the actual distance from whales increased. This is a learning process. Give the boaters time to learn and enforce the existing, relatively new, law!

(3) Replace the proposed ½ mile no-go zone with a 7 knot go-slow zone.

This addresses the acoustic masking concern as vessels operating at 7 knots or less produce little sound of the amplitude or frequency that might mask Killer Whale echolocation.

(4) Fund more Federal Enforcement.

It is extremely frustrating to continually witness wanton violations because few NMFS Enforcement Officers on the water. Two goals would be achieved: 1) Enhanced protection of the Whales, and 2) Clear identification of the vessel and nature of infraction. A small percentage of the recreational boaters act bad, but it tarnishes all of us, especially those who are operating responsibly.

(5) Fund more public education.

Please use the available resources better ie. organizations such as the Pacific Whale Watch Association, OrcaNetwork, The Whale Museum, The Whale Museum in Friday Harbor, Seattle Aquarium and others.

(6) Decrease the economic downturn on companies and community.

Extending the viewing buffer from 100yds/m to 200yds/m may certainly decrease the number of people choosing to experience the connection between Orca and Man. The net result could be less, not more, support for the necessary Conservation and Stewardship actions under NOAA's Recovery Plan for the Southern Resident Killer Whale population.

(7) Promote more Salmon enhancement.

Salmon is the basis of the higher level food chain. All the large mammals near land and sea need this resource. Continue to support efforts towards recovery of the Chinook Salmon runs especially those that head to the Elwah River, Columbia River Basin and Snake River.

Thank you for this opportunity to comment.

Sincerely
Trev Neufeld BSc., MSc. Marine Biology

PUBLIC SUBMISSION

As of: February 01, 2010
Received: October 24, 2009
Status: Pending_Post
Tracking No. 80a4aa4e
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Docket: NOAA-NMFS-2008-0327
Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0025
Comment from Teri Boone

Submitter Information

Name: Teri Boone
Address:
107 Newt Estates Rd
Longview, WA, 98632
Email: teriboone@hotmail.com
Organization: None

General Comment

I'm not even a kayaker, but I can't imagine their presence in the Sound being detrimental to the whales. I would think the commercial fishing vessels are what needs to be eliminated, not the tiny, motorless, non-polluting, occasional kayak skimming along. This sounds like another example of powerful groups (i.e. MONEY IN THE RIGHT POCKETS) getting their way while screwing the little taxpaying peons. The area should NOT be off limits to the average hard working visitor who chooses to take a few days vacation there.

Subject: 200 Yards
From: "Cherie L. Lindholm Real Estate" <rentals@lindholm-realestate.com>
Date: Mon, 14 Dec 2009 16:24:39 -0800
To: Orca.Plan@noaa.gov

To Whom It May Concern,

As a twenty five year resident of the San Juan Islands, WA, I am requesting that you do not extend the distance between charter/whale watch boats and the Orca whales in the San Juan Islands. Our operators understand the importance of respecting the current 100 yard distance between boats and whales and because their livelihood depends upon tourists also enjoying these animals, they certainly don't jeopardize the health of the whales.

When there are violations, it is almost always from the casual tourist boaters visiting the area. These people often don't know there are rules, and in their zeal they move too close to the whales. To close the west side of San Juan Island from all boat traffic seems a harsh and ignorant move. The tour operators are the ones who know the rules, appreciate them, abide by them and educate thousands of visitors each year.

NOAA could better spend monies in local enforcement of the current 100 yard distance and in enhancing salmon populations so we will continue to have Orca whales in Puget Sound.

Please do not implement a 200 yard stand-off and any closure of waters.

Karen J. Key Speck
Property Manager
Owner / Broker
Cherie L. Lindholm Real Estate
Orcas Island, Washington
360-376-2204
www.lindholm-realestate.com
www.orcashomes.com

Subject: San Juan County
From: Gordy <gordon029@centurytel.net>
Date: Tue, 15 Dec 2009 16:41:45 -0800
To: Orca.Plan@noaa.gov

TO: NOAA
FROM: Gordy Petersen
124 Blackberry Lane
Friday Harbor WA. 98250
RE: Orca Plan

Dear NOAA,

Please consider the following comments regarding the proposed rule changes for the Southern Resident Killer Whales.

I live along the shoreline of San Juan Island near the Limekiln State Park. In summer, almost daily, I witness the interaction between the Orcas, the commercial and sport fishers, and the whale watching fleet. Sometimes they are all together at once. The Orcas do not seem to mind. In fact, their behavior and eating pattern seems normal. The boats seem to obey the rules.

People come from all over the world to see these magnificent Orcas, and like many intelligent animals, they seem to like the attention. When they splash and play to the delight of awestruck audiences, they look like they are enjoying themselves to me. No problem exists that needs a massive draconian regulatory response. The idea of a "no-go zone" is not practical to enforce, will likely have huge economic impacts, and is probably not legal.

Our Prosecuting Attorney has questioned NOAA¹s authority over the ³Boundary Straights² area. An international Treaty has governed maritime navigation here since 1846. In this Treaty between the U. S. and Great Britain, it was intended that navigation in the whole channel where the proposed ³no-go² zone is proposed, ³would remain free and open to both parties.² Restricting vessel traffic in any way would seem to violate this agreement.

This Treaty seems to render the proposed "no-go zone" for maritime traffic null and void.

If we can't trust your department to know what laws and treaties govern the waters you are supposed to oversee and protect, why should we trust you to regulate of our local waters?

Please let the local residents of San Juan County alone. First it was the Marine Sanctuary, now this, how many times do we have to tell you to butt-out? Our county is pristine. We have protected it. We have been good stewards. We can manage our own local affairs thank you very much.

Thank You for letting us govern ourselves.
Gordy Petersen

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 12, 2010
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Docket: NOAA-NMFS-2008-0327
Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0041
Comment from ronald wolfe

Submitter Information

Name: ronald e wolfe
Address:
Oak Harbor, WA,
Email: rewolfe@comcast.net
Organization: American Citizen

General Comment

This comment focuses on the proposed vessel exclusion zone off of San Jaun Island. The science involved is flawed and inconclusive yet you don't exclude the most dangerous threat to the orcas - commercial fisherman. Obviously, the best government money can buy as was the case in the global warming debate being polluted by bad science. Soon, no one will believe anything the government scientist say. You totally ignored the general public in drawing up this proposal and now the jobless recovery will contain more loast jobs in WA - whalewatching, kayaking and fishing charters. We don't need another area closed to sport fishing, there is barely a season left anymore. Our local pods are doing fine. This is a political agenda pushed by tree huggers and granola crunchers. Your presentations last fall were poorly prepared and a disaster and it was obvious that your decision was already made. We don't need more bad government. We need to save the salmon and their habitat and stop the commercial and tribal slaughter of our local fisheries. As a scientist myself, I was abhored by the conclusions that were drawn from your data. We have a constitutional right to freely navigate the waters of Washington. This administration does not need any more backlash from the public. If this passes, their will be organized resistance and confrontation.

Subject: West side of San Juan Island
From: Ed & Betty Carlberg <carlberg@rockisland.com>
Date: Thu, 22 Oct 2009 12:48:38 -0700
To: Orca.Plan@noaa.gov

Dear Sirs:

First, to qualify myself to make the following comments: I live on the west side of San Juan Island, one mile south of Mitchell Bay. on the waterfront. I am next door (north) of Ken Balcomb of the Whale Research Center. I have owned my lots since 1972, and have lived here full time since 1978. I have always observed Orca behavior regularly, as well as the behavior of human activity when the whales are present. I am a life member of the Whale Museum, joining in 1979.

Here are my observations:

Kayaks: These are small, slow, silent, and unobtrusive. They have never, in my experience, bothered the Orca in any way. The whales have been avoiding small floating logs for thousands of millenniums, and to them, a kayak is just another small log. Thus, it would be just plain foolish to ban kayaks from the west side of San Juan Island. They are simply not a problem. They should, however, be instructed to move toward the shoreline when the Orcas are approaching.

Commercial Whale Watch Boats: These boats are getting much better at staying out of the path of the Orca, although it is common for an Orca or two to approach a boat, apparently out of curiosity. It appears obvious to me that when the boats shut off their engines entirely, the whales are much more likely to approach them. The Orcas seem to avoid boats who leave their big diesels idling, spewing diesel exhaust into the water, even if the boat is not moving. Thus, I believe that, properly instructed and regulated, the commercial whale watch boats should be allowed to continue their practice of teaching the public about whales.

Private small boats: The operators are often uninstructed about proper behavior around whales, and too often get into, or stay in, the path of the whales. The Soundwatch boat has helped with instruction on many occasions, but it needs to be funded to stay on the water for more hours and days in order to be fully effective. More publicity and instructions are also called for, especially at marinas and boat launching ramps.

Commercial fishing boats: During almost every day of September and October, 2009, a fleet of Purse Seiners has been out in front of my house in Haro Strait, There has been as many as a dozen boats at a time, starting their fishing at dawn, and often fishing until dusk. As you probably know, the Seining process consists of having a "skiff", (an open aluminum boat about 20 feet long, equipped with a big diameter propeller and a huge roaring diesel engine. I don't think they are also equipped with mufflers; at least they don't sound like it) pull one end of the net toward shore, while the "mother ship", the purse seiner itself, heads west, pulling the other end of the net to it's full length of about 1/4 mile, or at least 1000 feet. The skiff sticks its bow in as close to shore as it can get, and the net hangs in the water for several minutes as the salmon swim into the net, Then, when the net, which hangs down into the water about 20 feet, (weights below, floats on the surface) appears to be full, the skiff and the seiner approach one another, and the net is pulled back aboard its reel on the seiner, and finally the "purse" is closed, and the tons of salmon are scooped up into the hold of the seiner.

As soon as one seiner starts to finish its process, another one begins, so that the west side of San Juan Island is totally blocked for the passage of the whales from morning to night for days at a time.

I believe that all, or at least most, of these seiners are totally or partially owned/operated by Native Americans. The Judge Boldt decision of many decades ago gave these Indians permission to fish whenever and where ever they pleased. However, I don't believe Judge Boldt gave these Indians permission to violate the Endangered Species Act at will!

Now, these seiners will claim that "there aren't any Orca around when we are spreading out our nets". Of Course Not!! These Whales are highly intelligent mammals, and they clearly know better than to try to come up Haro Strait when the seiners are blocking their route with huge nets.

During these two months, the Orca should be traversing Haro Strait regularly, feeding on the heavy schools of salmon that are heading for the Fraser River, and should be gaining strength and fat to last them through the winter. But the Seiners deny the Orca this needed feeding time

I propose that these Native Americans be prohibited from fishing the West Side of San Juan Island. They have plenty of other places they can fish. They don't need to prevent the Orca from traveling in their accustomed routes and deny them the salmon they need to survive. I find your proposals

to ban kayaks and let commercial fishing continue is just plain silly.

So: lets re-think your proposed rules, and make the rules sensible and displaying common sense.

I hope the above is of some help to you.

Ed Carlberg
515 Smugglers Cove Road
Friday Harbor WA 98250
360-378-5552

Subject: San Juan Islans
From: "Papania, Lee (Denver)" <LPapania@stifel.com>
Date: Fri, 23 Oct 2009 17:01:55 -0400
To: Orca.Plan@noaa.gov

Comments regarding the NOAA and federal government proposed closing of the west side of San Juan Island to all boaters :

I don't feel that the NOAA proposed regulations are appropriate for this area. Washington State can handle it just fine & in the best interests of the 'mammal' populations.

Please help!!!

Thankyou.

Lee M Papania

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Headquarters: 501 N. Broadway, St. Louis, MO 63102

314-342-2000

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Subject: orca plan
From: churchmtn@aol.com
Date: Sat, 17 Oct 2009 02:25:38 -0400
To: Orca.Plan@noaa.gov

You people have missed the boat I am afraid, making a criminal out of me and my fellow boaters will not reduce the stress the Orca's are under. Until you stop the commercial whale watching boats from "chasing" the pods around puget sound you are just missing the mark. You may well get a "closure" off the coast of San Juan, however I will not allow your plan to interfere with my right to pursue happiness, which I find in my boat in the very waters you intend to close.

Subject: NOAA Fisheries Service's proposed vessel regulations
From: gomesrj@comcast.net
Date: Sun, 18 Oct 2009 14:57:52 +0000 (UTC)
To: Orca.Plan@noaa.gov

We own property on Fidalgo Island and spend our summers there. One of our main activities is spending time on the waters of Puget Sound.
On several occasions we have been trolling for salmon with no Orcas in the area, when suddenly the whales would pass through within yards of fishing boats. It is very obvious the whales have no concern with the boats.
It makes for great whale watching but pretty much takes care of the fishing for that day.
I realize human nature is such that some boaters are not considerate of whale activity, however to eliminate SPORTFISHING seems to eliminate the one group that is most conscientious about preserving wildlife.
The economic impact in the San Juan Islands would be considerable.
It is very disturbing to see the commercial nets strung out from the shores and know that activity is being supported while sportfishing is eliminated.

Respectfully

Rich Gomes

PS: I tried sending this through the regulations.gov website but it seems to not have been successful.

Subject: Response to Proposed NOAA Guidelines
From: Jim Pound <jim078@centurytel.net>
Date: Sun, 18 Oct 2009 11:57:12 -0700
To: Orca.Plan@noaa.gov

October 18, 2009

The following is my response to the Proposed NOAA Guidelines:

I am a former Director of Wolf Hollow Wildlife Rehabilitation Center on San Juan Island and have served on a NOAA committee to review east coast grant applications for various organizations under the John H. Prescott Grant Program for marine mammals.

We all agree that we want to see the Southern Resident Orca Pods not only survive but to prosper. However, the question is if we are truly at a critical stage in their survival; will the proposed regulations, in fact make a difference? If the proposed NOAA Guidelines are implemented, will the whales still be starving? If the answer to this question is either yes or we don't know then perhaps the focus should not be on an insignificant part of the total problem. If the situation is at a critical stage then we should not implement proposals that are only based on **agenda driven research** and opinions that have not been validated.

To simply state atrocities that occurred decades ago as some kind of justification to implement severe restrictions on whale watching today is a major stretch. I understand that these comments may be good for fund raising, but it is not data proven research. If there is validated research that clearly demonstrates vessel noise is, in fact, the major cause of a decline in the population or the actual starvation of Orca Whales then it should be presented for proper review. As a matter of fact, the Director of The Center for Whale Research very clearly disputed the significance of the proposed guidelines at the meeting in Friday Harbor on October the 5th. He commented that vessel noise had very little to do with the current plight of the Orcas and the major problem is the declining salmon runs and the high levels of toxins.

As a former director of a wildlife rehabilitation center I can tell you that most all animals are sensitive to noise, but it is not a major cause of their starvation. Animals generally adapt to their environment quite well and do what is necessary to survive. The tons of raw sewage that is dumped into the water each and every day and the depleted salmon stocks are major obstacles that they can not overcome. What effect does the extremely high level of poisons in their bodies have on their respiratory rates and amount of energy spent to hunt and feed at a sustainable level?

I have observed whales feeding in Haro Straight numerous times while several commercial boats were harvesting salmon. In addition, many of these boats were fishing very close to the shore line near Smugglers Cove and along the west side. **If the orcas are starving, why is it okay to harvest tens of thousands of salmon when the whales are currently in our waters and appear to** be **competing with commercial fishing boats?** A friend of mind lives just down the coast from us and has observed six purse seiners out in front of his house almost every day during the last couple of weeks harvesting salmon. I also agree with his comment that in the ten years we have lived here, I have never seen a salmon put back in the water from a commercial boat, and it is a myth promoted by commercial fisherman that the Orcas don't eat pinks. **I must say that it is hard to understand the logic of why commercial boats are exempt while kayaks and recreational fishing boats are not and it is claimed that the Southern Resident Pods are starving.**

Finally, I think that you should use only **independent** research that has been properly validated and not research that is agenda driven by a few individuals who have established a goal to stop whale watching at all cost. **I heard about 90 speakers at the Friday Harbor Meeting and the major comment by far was that they wanted NOAA and NMFS to get serious about the real problems regarding the Southern Resident Pods.** Before a final decision is made regarding the proposed guidelines, it would be highly advisable for NOAA to take into consideration individuals comments who have spent 20, 30, or 40 years on the water and have a much better perspective of the real issues that need to be addressed.

Thank you for considering my comments.

James R. Pound
40 Yew Lane
Friday Harbor, WA. 98250
360-378-1696

Subject: NOAA Orca Recovery Pllan
From: helen king <helen@highlandinn.com>
Date: Mon, 14 Dec 2009 15:47:58 -0800
To: Orca.Plan@noaa.gov, Colleen and Bill Wright <fun@sanjuansafaris.com>

NOAA Orca Recovery Plan
To whom it may concern:

I believe and support everything in the letter to you below. I live on the west side of San Juan Island and feel there are enough restrictions if enforced to protect the whales here. Concentrate your efforts and funding on supporting a boat like Soundwatch and making everyone aware of the "Whale Watching Guidelines" which seem to be very effective and reasonable.

It doesn't make sense that cruise ships, freighters, and fishing boats will still be able to come close to our shores, when you will not even allow little kayaks with no motors at all to be launched or paddled along our shores!

The proposed changes are too extreme and will be difficult to enforce. It is also debatable if it will really make any difference to the Orcas! They don't seem bothered in the least by boats, in fact, are often attracted to them.

Please reconsider this unpopular legislation and listen to the whale experts like Ken Balcomb with his Whale Research Center here on the west side of San Juan Island just north of me. Are you going to keep him off our shores also, and what about all the boats in Snug Harbor and Roche Harbor Resort? Are you going to close down those operations? I can see huge law suits looming. Is that really what you want?

As a bed and breakfast innkeeper, the economic impact of what you propose will have a ripple effect on all island businesses related to tourism. That income is what our islands have come to depend on and few could really survive without the tourism dollars the whale watching operations provide. Think again!

Helen King, Innkeeper
The Highland Inn of San Juan Island

Regarding: The proposed rule changes for the Southern Resident Killer Whales - a final letter to NOAA

I am writing one more letter to express my opinion against moving whale watch operators back to 200 yards. I am also against closing the west side of San Juan Island May to September to all boat traffic.

Whale watch operators educate over 500,000 people every year about the orca whales. We have a history of guideline development, we are willing to assist in research and we are political advocates for the orca. We provide a sustainable economic component, to our local economies and we monitor boat activity around the whales when enforcement is not on the water. The resident orca are boat savy. For over 100 years they have not only survived, but thrived in boat-active waters as long as the salmon were present to sustain them.

There is still no proof that boats have any negative effect on their lives. The precautionary principle, to stay 100 yards away, has been applied by state law. The 'no go foraging zone' on the west side of San Juan Island was also put in place as part of the precautionary principle.

If you want more protection make the west side a "*7 knot slow zone*" while whales are present, not a 'no go zone'.

I am of the opinion that with all the money spent on studies, that money could have been better spent by funding an enforcement boat on the water daily during the summer months when the SRKW are traditionally here.

What I consider odd about these new proposed rules is this: Ken Balcomb, Bob Otis and many others feel that our orcas are not affected by respectful viewing. These are experts, yet NOAA seems to be hell-bent on listening to less qualified people.

I ask the people at NOAA to understand that local people in small communities are not uninformed. They are not ignorant. They are blessed with common sense and local knowledge. When they see their individual freedoms, such as sport fishing, boating, whale watching and kayaking arbitrarily being taken from them, they become suspicious, concerned and angry.

It is incumbent on our government at every level to inform and convince our citizens that the good of the community will be justly served by this action. NOAA has failed to provide convincing science and unbiased leadership to bring the citizens to agree on any more regulation.

I strongly recommend that NOAA focus on salmon restoration, which will unite the local communities and best serve the orca.

Bill Wright
Eco Tourism Consultant
--

Helen King, Innkeeper
Highland Inn of San Juan Island
P.O. Box 135 Friday Harbor, WA 98250
www.HighlandInn.com
Toll-Free (888) 400-9850

Subject: Opposed to your no boating zone in the San Juans
From: Bill Arrigoni <arrigoni@oz.net>
Date: Mon, 05 Oct 2009 14:55:34 -0700
To: Orca.Plan@noaa.gov

Your proposal to close the area around San Juan Island is at best ludricous. The intent may be to protect the Orca's which is noble indeed. The proposal as it stands now will do nothing to achieve that goal. If you are going to close the area then close it for everyone. Exempting tribal purse seiners and gillnets is ridiculous. The tribal fisherman hurt the Orca's in two ways. They catch the fish the Orca's are feeding on and they disrupt the patterns of the whales. I have seen the wales "run" into the tribal gillnets. The whales never have problems with kayaks and recreational boaters. The commercial fishing fleet is by far more dangerous to the whales. Common sense would tell you that it make no sense to restrict the area for kayakers and leave it open for 60' foot commercial boats and their fishing gear. Can you provide ONE example where a trolling fisherman or a kayak has injured an Orca. This is a poor decision based on bad science.

Bill Arrigoni

Subject: Orca Plan
From: Bob Clos <closqtrs@windjammercable.net>
Date: Mon, 05 Oct 2009 14:58:15 -0700
To: Orca.Plan@noaa.gov

Dear Sirs,

I am opposed to implementation of the proposal to shut down the west side of San Juan Island to boaters and recreational fishermen.

I have fished the west side of San Juan Island for 35 years. I have seen the Orca whales annually and have not witnessed any change in their behavior. The whales come, they eat and they leave. It's that simple. While they are in the area the fishing goes to hell so I shut down and move out of the way of the Orcas. Other boats in the area do the same thing. We then watch the whales from the required distance. No matter how many times you see the whales it is always a thrill.

I support helping the whales recover to a self sustaining level. However, this proposal doesn't pass the common sense test.

Where is the scientific evidence that small boats nearby whales do any harm? How are Kayaks any different than floating logs?

Where is the scientific evidence that shows tankers, freighters, cruise ships, tribal and commercial fishing vessels do no harm to whales?

Why are you picking on small boats and ignoring all the larger vessels?

Why are you ignoring the fishing by tribes and commercials?

This proposal appears to be agenda driven, not science driven.

How will it be enforced? Who will pay for the enforcement? The County of San Juan does not have the money. We can't even afford to pay for our schools.

What is clear is that the proposal, if enacted, will do significant harm to the local economy. Beyond the harm to the County, as these no-go zones spread, there will be significant damage to the multi-million dollar recreational fishing and tourist economies in this state.

I believe that we can all best help the whales by increasing the amount of fish available. This would be a win-win solution for everyone, especially the whales.

Please do not implement this proposal>

Thank You,

Bob Clos
20 Cormorant Lane
Friday Harbor, WA 98250

Subject: San Juan Island Orca no-go zone
From: Deb Garland <deb3@GarlandConsulting.us>
Date: Mon, 05 Oct 2009 15:41:30 -0700
To: Orca.Plan@noaa.gov

Dear NOAA,

I am concerned that "enforcement" of current regulations is not being done. Why penalize those of us who have not interfered with the whales?

While I agree they should be protected, I also believe further study and confirmation of the conclusions NOAA has presented should be done by an impartial organization.

I am against the current NOAA restrictions as presented.

Sincerely,

Debra Garland

Subject: (no subject)
From: Ofc5226@aol.com
Date: Fri, 16 Oct 2009 04:19:24 -0400 (EDT)
To: Orca.Plan@noaa.gov

I believe there are sufficient laws on the books already that protect any and all species in Puget Sound. There have never been any injuries to whales as a result of a trolling fishing vessel and I can't see why a government vessel or an Indian power boat would be more consciencious than a recreational fishing boat. I am against N.O.A.A.'s proposal to restrict boats or to creat any "no-go" zones in navigational waters in this State.

Subject: Proposed no-go zone comment
From: Scott Douglas <DouglaSB@puyallup.k12.wa.us>
Date: Fri, 16 Oct 2009 10:38:46 -0700
To: Orca.Plan@noaa.gov

I am very much against this proposal because there is not definitive proof that this drastic and discriminatory action will even help the Orcas! My feeling is the whales could be helped by increasing their food supply, which a large part of their diet is Chinook Salmon. Fish hatchery reform and better fish management would help the Whales! Thank You!

Scott B. Douglas sdouglas@puyallup.k12.wa.us
Member of CCA, PSA, and TOA

Subject:
From: Glen Dodge <glend@cascadecolumbia.com>
Date: Mon, 05 Oct 2009 12:24:32 -0700
To: Orca.Plan@noaa.gov

Dear Sirs,

I would like to register my opposition to the proposed Orca closure zone in the area of San Juan Island in Washington State. While my opinion is that the existing rule is in excess of the whales needs, this attempt to close access to these areas is an extreme measure that will cause significant hardship to the local boating communitee

---
Glen Dodge

Subject: orca
From: Craig Campbell <landman@centurytel.net>
Date: Mon, 05 Oct 2009 13:02:26 -0700
To: Orca.Plan@noaa.gov

To Whom It May Concern:
I have been boating on the west side of San Juan Island for most of the last 20 years. I have encountered Orca there and all around the Island numerous times. I am concerned your ½ mile no go zone will impede boaters to a great extent and not accomplish the protection you are looking for.
Most boaters are conscientious around whales, there are some that are not and better enforcement of the existing rules should go a long way in protecting the whales we love.

Craig Campbell Broker
Tides Real Estate Inc.
Office: (253)857-2151
Cell: (253)312-6216
Fax: (253)857-2154
Toll free: (888)275-4637

Subject: NO GO ZONE WEST COAST SAN JUAN ISLAND
From: Michel Brazeau <mcu1973@comcast.net>
Date: Mon, 19 Oct 2009 11:02:08 -0700
To: Orca.Plan@noaa.gov

I do not support this action as there is no scientific data to even suggest this should ever be considered. It doesn't make any sense to impact one user group without at least some data. Michel Brazeau

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4522 (20091019) _____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

Subject: Puget Sound Orca comment
From: redkash@comcast.net
Date: Wed, 21 Oct 2009 19:08:41 +0000 (UTC)
To: Orca.Plan@noaa.gov

To whom it may concern;
I've spent my summers on San Juan Island, WA for more than a decade. My passion for the orcas pulls me there year after year. I was shocked to hear about NOAA's proposed regulations for that area. In short, this is putting a band-aid on a cancerous lesion. The boat congestion isn't what I would consider 'congestion.' Even during the peak tourism time, mid July, the boat traffic isn't bad. The orcas are starving to death. Salmon numbers are at a fraction of what they should be. Rather than going after boat charters and kayakers (you must be joking: kayakers produce no 'noise' at all), the fight must be with big industry and fishing. Manufacturing, power production, damns, etc. . . ALL the way up the rivers that empty into the sound MUST be held accountable. Pollution levels must come down, damns removed. But of course, this is NOT a fight the government wants to engage in; going after business and jobs. This effort (new, proposed regulations) is nothing more than a sweeping, very visible 'change' made by the government to appease the many uninformed environmentalist and activists. Of course, I, like everyone, want to help the whales. I've dedicated much of my personal time to that very thing. But fight the effective fight. I've spent a lot of time out on the water with hydrophones; the deafening 'boat traffic' comes from the huge cargo ships. And the fishing industry that utilizes seine nets. . anyone who understands anything about ecosystems understands how damaging seine nets are. What about Canada? They need to be held accountable for their industry/pollution/dumping. The Salish Sea is little better than a toilet and efforts MUST be directed in the direction of water quality and SALMON. Leave the whale-watching boats and kayakers ALONE. FIGHT THE REAL FIGHT.

Sincerely,
Melissa Kashmark
330 Lincoln St NE
Mpls, MN 55413

Subject: orca regulations
From: Earl yoes <w7cpg@hotmail.com>
Date: Mon, 05 Oct 2009 21:21:41 +0000
To: Orca.Plan@noaa.gov

Leave we boaters aloan! If you are going to set rules for boaters then it should be for ALL BOATS on the water. We don't need more and more regulations!! I know if this were to pass, fines would be levied on a poor boater that may not have had knowledge that he was even close to a whale pod. NO is my vote. No more regulations.
Earl

Subject: Whale watching
From: Carol Shelton <cjshelton63@hotmail.com>
Date: Mon, 05 Oct 2009 15:39:05 +0000
To: Orca.Plan@noaa.gov

Date: 05 October 2009

Assistant Regional Administrator ?Protected Resources Division ?Northwest Regional Office ?National Marine Fisheries Service ?7600 Sand Point Way NE ?Seattle, WA 98115

RE: **Docket No. 070821475-81493-01, RIN 0648-AV15** – Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act Marine Mammal Protection Act ? ?

Dear Assistant Regional Administrator:

I would like to offer my comments regarding the proposed new regulations in this docket.

I believe the Pacific Whale Watching Association embraces the true protection of the Southern Resident Killer Whales of which public education is an integral part. I agree with an advocate for their positions that: ? ?

1) The current science does not support doubling the distance from the killer whales from 100 yards to 200 yards. Under the existing laws the number of Southern Resident Killer Whales has been increasing for many years, there are more today than there were 10 years ago. **Please maintain and enforce the 100 yard protection zone around the whales as prescribed in the Marine Mammal Protection Act.** ? ?

2) The current quarter mile voluntary zone along San Juan Island and the half mile bubble around Lime Kiln Lighthouse has worked well and I support making this a boat free zone, when whales are present, year round. The proposed half mile "no-go zone" from May through September (even when whales are not in the area) is excessive and will not add to protection of the whales. **Please codify the ¼ mile "no-go zone" off San Juan Island from Mitchell Pt. to Eagle Pt. and ½ mile bubble from Lime Kiln Lighthouse when whales are present.** ? ?

The educational benefit to the general public from the whale watching industry has been well documented. Doubling the viewing distance would greatly diminish the effectiveness of this education. ? ?

The protection of the Southern Resident Killer Whales is of the utmost importance to us all. I am concerned that we are not doing the hard work of addressing contaminants in the food supply chain and simply going after the only visible target. ? ?

Thank you for including my comments in the rule making process.

Sincerely, ?

Carol Shelton

615 East 49 Ave.

Vancouver, BC V5W 2H1

Phone: 604-837-2295 ? ?

New! Open Hotmail faster on the new MSN homepage!

Subject: San Juan Orca Plan
From: Mark Danielsen <danielsn@windermere.com>
Date: Mon, 05 Oct 2009 10:32:56 -0700
To: Orca.Plan@noaa.gov

Hello Bureaucrats: Your science is faulty (you probably skewed it to come out to your self-perpetuating eternal desire to control & dominate others, and you have no idea what pure science is), your proposed plan is ridiculous, and you need to do a reality check with these idiotic proposals. Another example of mindless government extremism and wasted taxpayer dollars.

•

Mark Danielsen

Associated Broker, M.B.A., ABR

Windermere Real Estate/West Sound, Inc.
9939 Mickleberry Road Northwest Silverdale, WA 98383

Office: 360-692-6102
Cell: 360-509-1299
Fax: 360-698-4614
Email: danielsn@windermere.com

Subject: San Juan Orca Restrictions
From: 2commdespeseth@comcast.net
Date: Mon, 05 Oct 2009 17:48:23 +0000 (UTC)
To: Orca.Plan@noaa.gov
CC: "Kutz - RBAW - IOBG, David" <DavidKutz@aol.com>

My name is Don Espeseth, and I am a active boater, and also a Past Commodore from Des Moines Yacht Club both in 2002 and 2007. My Father was also a DMYC in 1965 and my Daughter is the current 2009 Commodore of Des Moines Yacht Club. I am also a member of Northwestern Boating Council and the International Order of Blue Gavel, (Past Commodores from around the world). In addition I am a strong supporter of keeping our NW Orca Families healthy so that our Children and Grandchildren can enjoy them as I have through the years. However, I feel the current laws protecting our Orca population are more then adequate and am totally against a "restrictive zone" on the West side of San Juan Island. In my boating years and few encounters with the beautiful Orcas, I give them a great deal of respect of knowing what is going on around them, and being able to take care of themselves as it relates to boaters. For example, in the summer of 1988 I was Southbound from Edmonds in my 2450 Sunbridge Bayliner at approximately 25 MPH when a 20' to 25' Orca came out of the water from my starboard side and flew a few feet above my head and landed off my port side. As his tail went under the water my bow was even with his path in front of me. While my heart was pounding down close to my feet, it was an awesome sight and I have no question that that Orca was just showing his "stuff" and had total control of where he was in relation to my boat and speed.
Sincerley,
Donald O. Espeseth
22306 SE 290th Street
Black Diamond, WA 98010

Subject: nix to orca plan
From: MARY VOIGTS <sierraplane@msn.com>
Date: Mon, 05 Oct 2009 12:05:56 -0700
To: Orca.Plan@noaa.gov

I am against the plan to limit the use on the west side of the San Juans to boaters..

I am a responsible citizen and boater who enjoys wildlife and water. Do not take this area away from boaters..

Sincerely,

Busch Voigts Jr.

Subject: Southern Resident Killer Whales
From: Fred Bullington <fbullington@insightbb.com>
Date: Wed, 21 Oct 2009 19:25:35 -0500
To: Orca.Plan@noaa.gov

I would like to offer my comments on Docket No. 070821475-81493-01, RIN 0648-AV15 – Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act Marine Mammal Protection Act.

Thank you for including my comments in the rulemaking process.

SRKW Comment.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Date: October 21, 2009

Assistant Regional Administrator
Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

RE: Docket No. 070821475-81493-01, RIN 0648-AV15 – Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act Marine Mammal Protection Act

Dear Assistant Regional Administrator:

I would like to offer my comments regarding the proposed new regulations in this docket.

I believe the Pacific Whale Watching Association embraces the true protection of the Southern Resident Killer Whales of which public education is an integral part. I agree with an advocate for their positions that:

1) The current science does not support doubling the distance from the killer whales from 100 yards to 200 yards. Under the existing laws the number of Southern Resident Killer Whales has been increasing for many years, there are more today than there were 10 years ago. Please maintain and enforce the 100 yard protection zone around the whales as prescribed in the Marine Mammal Protection Act.

2) The current quarter mile voluntary zone along San Juan Island and the half mile bubble around Lime Kiln Lighthouse has worked well and I support making this a boat free zone, when whales are present, year round. The proposed half mile "no-go zone" from May through September (even when whales are not in the area) is excessive and will not add to protection of the whales. Please bring into order the ¼ mile "no-go zone" off San Juan Island from Mitchell Pt. to Eagle Pt. and ½ mile bubble from Lime Kiln Lighthouse when whales are present.

The educational benefit to the general public from the whale watching industry has been well documented. Doubling the viewing distance would greatly diminish the effectiveness of this education.

The protection of the Southern Resident Killer Whales is of the utmost importance to us all. I am concerned that we are not addressing contaminants in the food supply chain and simply going after the only visible target. I am also concerned that this docket will allow military and other 'necessary' vessels into the proposed "no-go zones." The Southern Resident Killer Whales must be protected from all harm and if this area is required to protect them, all vessels must be prohibited!

Thank you for including my comments in the rulemaking process.

Sincerely,

Frederick E. Bullington
8535 Craven Terrace
Evansville, IN 47725
812.867.9128

Subject: FW: [rbaw-elert] BOATERS URGED TO COMMENT ON PROPOSED NOAA RESTRICTIONS
From: D Paul Deits <pdeits@comcast.net>
Date: Mon, 05 Oct 2009 16:15:33 -0700
To: Orca.Plan@noaa.gov

The following comments mirror my concerns as well. We must protect the whales,but the methods must be sound and have predictable results and not 'junk' science.

From: rbaw-elert@yahoogroups.com [mailto:rbaw-elert@yahoogroups.com] **On Behalf Of** David J.
Sent: Sunday, October 04, 2009 11:10 PM
To: rbaw-elert@yahoogroups.com
Subject: [rbaw-elert] BOATERS URGED TO COMMENT ON PROPOSED NOAA RESTRICTIONS

MESSAGE FROM THE RECREATIONAL BOATING ASSOCIATION OF WASHINGTON

If you've been watching the local news lately, you've heard that new restrictions are being considered to keep the Northwest's whale population from allegedly being harmed by boaters, fishermen, kayakers and whale-watching tourists. Representatives of these groups have turned out in force to oppose a federal NOAA plan to protect killer whales by closing off 6.2 square miles of water off San Juan Island each year.

RBAW has been attending these regional Northwest meetings, along with other marine interests in crowded rooms. The results have been mostly protests against NOAA's proposed half mile wide "no-go zone" on the west side of San Juan from May 1 through Sept. when the whales are typically present.

The regulations would also prohibit boats from coming within 200 yards - twice the current limit - of the whales and being in the path of any killer whale within 400 yards.

NOAA says the regulations are needed to protect the area's Southern Resident killer whales, declared endangered in 2005. They say boat traffic causes behavioral changes in whales, reduces their ability to communicate, risks vessel strikes, and impedes their ability to hunt for food.

However meeting attendees in different Northwest forums have spoken out against the proposed rules saying they are based on faulty science, and that better enforcement of existing laws is all that is needed. Speakers have been almost universally opposed to the no go zone proposal saying there is little evidence to demonstrate that boats are harming the Orca population.

Fishers and boaters are trying to set the record straight by explaining to NOAA that the likelihoods of a whale being struck by a boat is slim, trolling fisherman and kayakers are going too slow to pose a risk from excess noise or strike, and there is no evidence of past whale collisions to suggest these extreme rules are needed. People are arguing with NOAA saying their data and science is extremely flawed and most facets of the boating world oppose it. NOAA has been tasked to review their data and talk to people who are out there every day.

To complicate NOAA's position, they have exempted government vessels and Tribal fisherman from the proposed no-go zone, but they would otherwise apply to all boats, including canoes and kayaks. Even conversationalists are against the proposal.

The plan is feared to devastate the whale watching industry, sport fishing charters, kayak rental companies, and place a hardship on recreational boaters and fishers.

RBAW's View: We agree that saving the Orca whales is necessary and worth doing. We however are unanimously opposed to the regulations and restrictions being proposed by NOAA. We see the scientific data presented to be limited in quantity and content in support of the conclusions presented. Broader vetting of the presented data needs to be accomplished by impartial scientific panels to validate the scientific data collected to date.

We are also concerned if NOAA is successful here, how many other areas will they close off to boaters?

WE ARE ADVISING OUR MEMBERSHIP AND BOATERS TO SEND THEIR E-MAIL COMMENTS TO NOAA.

Public comments are being taken until Oct. 27 and can be sent by e-mail or regular mail.

You may submit comments by the following methods:
• E-mail: orca.plan@noaa.gov

• Mail: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

THANKS FOR YOUR SUPPORT.

-RBAW 2010 BOARD OF DIRECTORS
info@rbaw.org

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__,__.__,____

Subject: Closing of the West Coat of San Juan Island
From: yvonne thomason <ythomason@gmail.com>
Date: Sat, 03 Oct 2009 15:08:08 -0700
To: Orca.Plan@noaa.gov

My name is Yvonne Thomason and I attended the Sept. 30 2009 meeting regarding the closing of Washington State waters along the west coast of San Juan Island.

My History:

I have been a Washington resident since 1973.
I am a sports fisherwoman and a recreational boater.
My Husband and I spend a lot of time vacationing on our boat in the San Juans during the summer.

One of our Experiences:

We have had the privilege of fishing off the west coast of the island and seeing the whales. On one particular day we were trolling with our small motor when heard the amazing sound of a whale coming up for a breath.
We quickly shut our motor off and pulled our gear.
We had not seen him yet but when he allowed us the pleasure of seeing him, he was magnificent. We sat quietly witnessing its beauty as he swam right off our bow as if also looking at us.
We realize that at anytime he could decide we were in his way and let us know however he just swam, it was amazing.
We did not pursue him, we were not in his way, and we were not loud except for me saying "Oh My God how great is this!"

My Concern:

I do understand the concern for the the Orca pods and the circus that does surround them. However punishing us all for the stupidity of the few is not the correct way of dealing with this situation.
(Is it right for a teacher to discipline the whole class for the mistake of one student?)

Closing the waters is just wrong.

My solution:

1) I agree with a speed limit as some boats are very loud and make a lot of noise.

2) Washington State is more than capable of enforcement of existing laws protecting Orca whales.

3) I believe that the people persuing whales, especially closer than law allows (100 yard) should be cited. (However there times when the whales do actually come to you and you have no control over the fact that they are right next to you.)

4) Spending more time and money helping fix our streams and rivers as to bring back the salmon runs that help feed not only the Orcas but the other marine life and the humans also.

5) Better education of the boaters. During the fishing season most public docks have fisheries people there to count the fish brought in, why not have them help educate the boaters as they launch warning them that the pods are out there and reminding them of the rules etc.
They are already getting paid and there are more pleasure boaters going out than fishing boats.
For private docks, they should all be given written literature by certified mail (this way the argument can't be I didn't know).

We sports fisherman are not the problem, trolling is quiet and we have 2 very small hooks in the water, hardly a threat to a great Orca.
When whales are around fishing sucks anyhow, but to be able to enjoy these beauty creatures makes up for not catching any fish.

These are my solutions to the problem it does not close the waters that many of us enjoy.
It keeps Our waters ours and makes it enjoyable for all that are following the rules.

Thank you for your time,

Yvonne Thomason
23103rd Ave W
Brier WA 98036
425 776 3918 or 425 770 1939

Subject: Orca plan
From: "Evans, Ron" <revans@lcc.ctc.edu>
Date: Mon, 05 Oct 2009 07:54:56 -0700
To: "'orca.plan@noaa.gov'" <Orca.Plan@noaa.gov>

Sirs,
I have been boating the area in question for many years. Over 40 to be exact. I have seen the Orcas many times and in the last 10 years, boaters have been very respectful of the Orca and all other sea life. You will find those that are ignorant of the need to give them their space but that is only an enforcement issue, not a change of the present laws that will cripple the boating economy for that area. It is easy to sit at a desk and draw conclusions on what needs to be done. It is more realistic to study the present situation and follow up with the enforcement that is not being done at this time. I am very much opposed to this proposed new plan.

Ron Evans
6231 Willow Grove Rd.
Longview, Wash. 98632
360-577-6272
revans@lcc.ctc.edu

Subject: Fwd: Proposed no go zone regulations for San Juan Island
From: cmshaw4@comcast.net
Date: Tue, 13 Oct 2009 20:00:59 +0000 (UTC)
To: Orca.Plan@noaa.gov

Subject: Proposed no go zone regulations for San Juan Island

Please see our attached letter about the proposed regulations about a no go zone on the southwest coast of San Juan Island.

Please feel free to contact me. Thank you,

Cory Shaw, Marie Shaw, Hunter Shaw, Carley Shaw
5340 Myers Drive
Ferndale, WA 98248
360 201 2580

letter to NOAA re San Juan Island exclusion zone.doc	**Content-Type:** application/msword **Content-Encoding:** base64

October 12, 2009

Assistant Regional Administrator
Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

Re: Docket No. 070821475-81493-01, RIN 0648-AV15-Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act Marine Mammal Protection Act

Dear Assistant Regional Administrator,

I am writing this letter to express my strong protest about the proposed regulations limiting all non-special-interest boat traffic along the majority of the south western shore of San Juan Island.

I have 2 children; a 5 year old daughter and an 8 year old son. My wife and I both believe that teaching and involving our children with the outdoors is one of our important responsibilities as parents. Our children already have a great respect for the wild, very much the result of being exposed to and taught about it. It is my opinion that without this exposure there would be far less passion about preserving and protecting our precious few natural resources left to be enjoyed. This is one of the big issues facing our generation. The next generation needs to be exposed to and taught about the natural world around them. They also need to be taught to enjoy them ethically and responsibly.

One of our favorite family outings is to visit the southwest side of San Juan Island. Not only does this one-of-a-kind spot offer some of the best salmon fishing to be found locally, it is also a great opportunity to view deer, eagles, sea otters, porpoises, Killer whales, numerous sea birds and other marine mammals. One of our greatest experiences has been viewing the killer whales. Not only have we been able to enjoy their presence from afar, but we have also been able to teach our children and guests the valuable lesson of responsibility and respect for them. We follow all proper guidelines when killer whales are present. Our children have had this ethical responsibility taught to them, it is something that will be with them for the rest of their lives. These lessons are ones that I have already seen spill over into other areas. They will be part of a generation that understands and passionately respects and protects these resources.

Conclusion:
I applaud your efforts to ensure we protect the Killer Whales. In addition to the 100 yard protection zone I believe that instituting a 7 knot speed limit within ¼ mile of the shore line would be a great idea, and one that would not single out selective groups. In addition, I would love to see more enforcement of current regulations. Currently there seems to be very little enforcement of the rules and regulations.

The currently proposed no go zone regulation will not add to the protection of whales and it will take away from our already seriously limited outdoor recreation and teaching opportunities. Please see an attached photograph of what our family calls 'The Fish' that my son, daughter, wife, and I teamed up to legally harvest close to Pile Point this September. We have been enjoying and respecting this fish as healthy food every weekend for the past 6 weeks.

Respectfully,

Cory Shaw, Marie Shaw, Hunter Shaw, and Carley Shaw.
5340 Myers Drive
Ferndale, WA 98248
360-201-2580

Subject:
From: Lewis Stiner <capsptsale@aol.com>
Date: Tue, 06 Oct 2009 16:09:39 -0600
To: Orca.Plan@noaa.gov

These are a great attribute to the area. The 200 foot limit should be enforced as much as possible. I do object to the total closing of the area. The whales will and do fish where they please and will follow the fish. You have not shown they are becoming less or more because of the food supply. I have watched the whales work from Seattle to Alaska

Subject: Kyle Flindt - Response to proposed buffering zone between boaters and T/SRKW's
From: Kyle Flindt <okisollo85@yahoo.ca>
Date: Sat, 10 Oct 2009 11:46:25 -0700 (PDT)
To: Orca.Plan@noaa.gov

Dear NOAA

It is my understanding that your members are insisting upon extending the current 100-meter buffer zone between vessels and whales to 200 meters. From what I have read from your notices and postings, it seems that you have targeted sea-going vessels as a major environmental inhibitor for southern resident killer whale numbers. I have to strongly disagree and explain why.

It is true that vessels can create a certain amount of noise, which is why the current buffering rules and whale watching protocols are in place; however it says that some vessels may be exempt from the rules, such as cargo vessels, commercial vessels, government vessels and research vessels. This also makes no sense, being that most cargo vessels cause more noise than pleasure-crafts and commercial vessels. Most incidents between whales and vessels are usually caused by recreational boaters unaware of the rules, as well as the odd collisions with ferries, cargo vessels and cruise ships. Common sense dictates that rules should apply to all vessels, and that no other vessel be given any special exemption; at the same time exemptions seem a bit hypocritical being that this is an endangered population. Commercial whale watching vessels are usually very careful, I know so because I work on them; the captains I have gotten to know are highly responsible individuals and do their best to maintain a respectful distance between them and the animals. Many times I have heard some of the captains of these boats shouting at recreational boaters to maintain the 100 meter buffer and to stop harassing the whales. They do their part on the water to ensure the rules are followed.

The main concern for southern resident killer whales is their prey. They are having a hard time with a very contaminated food source; the declining prey stocks and the high levels of PCB's and fire retardants cause more of a concern for their future than commercial whale watching vessels. Fish stocks are declining due to habitat degradation, increased amounts of sea-lice around salmon farms and simply the over-fishing of certain runs. In some ways they are still recovering from the captures done on this population during the 1960's and 1970's. Creating a larger buffer zone between vessels and whales won't do a thing for the population, protecting and restoring salmon and orca habitat will. There is no quick-fix answer to solve the orca enigma; it may take quite a long to time to undo the damage done to them, but more efforts put into ecological restoration should benefit the southern residents and transient populations.

Whale watching tours bring the public to the animals and has created a worldwide change in our understanding of whales and dolphins. In some countries whale watching has replaced whaling, we ourselves even took some of our local populations to near extinction until as late as 1967. Whale watching and marine eco-tourism is one of the only tangible education tools we have to show the public the plight of these mammals. The public gets a better grasp on what they can do to change their environment for the better. We help in research, logging every encounter in a cetacean sightings book to further our knowledge of whales. A good portion of the money from each passenger goes toward marine mammal research.

The orcas themselves do not seem to have a problem with the whale watching boats. The animals have been seen hunting, courting and socializing without incident or interruption. In conclusion it

seems that there is a lot of effort on your part going toward saving the southern resident and transient killer whales, it just seems to be deeply misplaced. Thank you for reviewing this letter.

Sincerely,

Kyle Dan Flindt

Vancouver Whale Watch Naturalist

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Subject:
From: Dave Croonquist <dcroonquist11@msn.com>
Date: Mon, 05 Oct 2009 21:20:18 -0700
To: Orca.Plan@noaa.gov

Good evening

I wasn't able to make any of the public meetings, but I did draft the following letter (also attached) for inclusion in the public comments on the proposed Orca – No Vessel area on the west side of San Juan Island.

Please add my comments to the appropriate files.

Thank you.

Sincerely,
David A. Croonquist
43 E Emerald Forest Lane
Sequim, WA 98382
****

September 29, 2009

To: NOAA – Fisheries
From: David A. Croonquist
Sequim, WA

Re: Orca exclusion zone – San Juan Island area

To Whom It May Concern:

I'd like to enter the following comments into the record on the closure zone being proposed for the west side of San Juan Island to protect the resident Orca pods.

I don't see sport boats or any boats properly operated when Orcas are in the area as a problem. Yes, there may be acoustic issues including depth finders, sonar, etc but we're dealing with what many would argue is an intelligent species. They've "evolved" with the impacts of motors/electronics for the past 100 years. Can we minimize our impacts – probably. I'd suggest a maximum speed if whales are in the area of less than 5 knots and a requirement to keep some distance from the whale/whales – 100 meters seems appropriate – if one can. We have to remember that the whales are fast swimmers and can move in any direction at will and one shouldn't be penalized for inadvertent approaches to the animal(s).

Just for reference purposes, the Dept of Fisheries, between 1952 and 1987 released somewhere in the neighborhood of 4 billion salmon from their hatcheries around the state. Federal and tribal hatcheries, along with the Dept. of Game steelhead hatcheries were also contributing large numbers planting large numbers of salmonids. A lot of those fish were released around the Puget Sound basin. If Orca's prefer Chinook and Chinook plants are being cut to protect "wild" fish, then maybe we need to re-evaluate the HSRG and how it applies to the protection of the Orca preferred food base. Should we not be looking at increased planting/supplementation of in-basin Chinook and other salmon species? Is there a correlation between the increased Orca populations into the early 1990s and the decline that has occurred in subsequent years that

might track the reduction in salmonid releases done in the interests of protecting "wild" populations?

As for Puget Sound being polluted, yes it is, but there was a recent report (in the past couple of weeks) that it is starting to show improvement in water quality. It will take time to clean up Puget Sound, but the efforts are being made and results are being seen.

Thank you for the opportunity to provide some input into the decision making process.

Sincerely,

David A. Croonquist
43 E Emerald Forest Lane
Sequim, WA 98382
360-582-1370
dcroonquist@gmail.com

092909 Orca NOAA-F ltr.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Subject: NO closing off part of Puget Sound
From: "Dahl, Loren" <Loren.Dahl@hexcel.com>
Date: Fri, 02 Oct 2009 15:56:58 -0700
To: Orca.Plan@noaa.gov

To the: Assistant regional Administrator
Protected Resources Division
Northwest Regional Office, National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

My personal opinion is that we should continue to educate and enforce current state laws, allowing them to continue the success they are having. And, to implement the seven knot speed limit in this area, purposed by the Pacific Whale Watch Association. These resources are for everyone to enjoy and closing off this area to boaters and fisherman is not a good idea.

If the NOAA succeeds in getting these restrictions, I strongly object to excluding some groups and not others, It's everyone on none. Thanks for your time.

Loren Dahl Jr
15062 Steele Rd
Burlington, Wa 98233
360 757-7212 ext 4012

Subject: Public comment from Thomas W. Starr on San Juan Orca restriction rulemaking
From: Tom Starr <tomstarr@mindspring.com>
Date: Sat, 03 Oct 2009 09:50:18 -0700
To: Orca.Plan@noaa.gov

I am Thomas W. Starr. I am a board member of Washington Water Trails as stated at the September 30 Seattle meeting.

This summarizes and supersedes my previous verbal and email input.

I strongly support enforcement of existing regulations. To that end I support kayak registration for identification purposes.

I oppose proposing new restrictions based on evidence gathered while existing regulations are not being enforced.

But I would support a "Go Slow" zone.

And I would support greater restrictions on getting in front of traveling pods.

I oppose the new regulations entirely as proposed.

I especially oppose the "No Go" zone on the west side of San Juan Island applying to kayakers.

I strongly support all policies that increase the availability of food to the Orca.

I support restrictions to make first nations fisheries also walk the talk.

I strongly oppose forcing kayakers a half mile offshore which will result in the need for rescues if not in loss of life.

Please note that Kayakers do not make noise, do not rob Orca of their preferred food which is deep swimming Chinook salmon, do not dangle lines and hooks and nets into the water which Orca must avoid, do not possess the speed to catch Orca, and pose about as much threat to a highly intelligent 5 ton marine mammal capable of having a shark for lunch as a floating log.

Thanks for recording my input,

Tom (Thomas W) Starr
tomstarr@mindspring.com
starrt@u.washington.edu
6530 16th Av NW
Seattle WA 98117-5511
206-784-4351
206-406-3244

Subject: No Go Zone
From: WAYNE ZIMMERMAN <steaming@rockisland.com>
Date: Fri, 09 Oct 2009 08:32:44 -0700
To: Orca.Plan@noaa.gov

Other alternatives need to be looked at, in the no go zone in the Puget sound, Please consider not making this decision.
Thank You
Wayne Zimmerman
Sound Anglers San Juan Island Chapter

Subject: I oppose the proposed new Orca Rules
From: William Whiteley <billw@whiteley.us>
Date: Fri, 09 Oct 2009 10:03:01 -0700
To: Orca.Plan@noaa.gov

NOAA,

I have been a recreational boater all my life...some 50 years now. I have many times seen killer whales and find it almost impossible to know where they may surface. So imposing a 200 yard clear zone will be impossible to comply with. In fact I'll tell you a story to make my point:

> Last summer we were crossing Haro straight returning from Canada and came upon a pod on the west side of Prevost island. We were plodding along at 6.3 knots and this hot boat comes racing in at us at 35 knots to hand out whale brochures and tell us to divert out to the west...so I look out to the west where the "experts" wanted us to go and a whale surfaces, so I said "you want me to go out there, by those whales?" In the end, they relented and said our original course would be fine after all.

So as you can see even the whale experts can't guess with any certainty how to completely avoid a whale. 100 yards is hard enough to maintain. The real problem for the whales are the whale watching boats and the "whale education boats" handing out brochures.

Also, for the slow cruising boat there are times that we have to run in a particular place to avoid a current or a tide rip or to stay out of the path of larger vessels or wind waves. Adding "No Go" zones is going to put us at risk in some situations.

So, my view on this proposed new set of rules is a solid NO vote. Please do not implement these new rules.

Thanks for listening,

William H Whiteley III, PE
Poulsbo, WA

Subject: orca plan
From: Paula <rlewissj@ix.netcom.com>
Date: Fri, 09 Oct 2009 10:41:21 -0700
To: Orca.Plan@noaa.gov

We are Pacific NW boaters. We oppose the orca plan as written. Boaters here are very respectful of the Orca's, and the distance restrictions are unnecessairly large.
Yes, there is always a "Jerk" out there somewhere, however he is not going to respect ANY distance restrictions.

LESS goverment is a good thing, and broad laws are not always the answer !
Washington state is very capable of making laws that they feel are necessary to protect our Orca's.

Paula Lewis
360-536-1483

Subject: Orca "no-go zone" proposal
From: Joe Stella <goombas@rockisland.com>
Date: Fri, 09 Oct 2009 19:24:29 -0700
To: Orca.Plan@noaa.gov
CC: info@rbaw.org

Dear Sirs,

I am a full time, year-round resident of Henry Island and live on the west side of Henry along the Haro Strait. We watch the Orca from our house all summer long and I wish to comment on the proposals to create a larger "no-go zone" to protect the Orca whales.

I have never seen, nor have I ever heard of, any direct interference by a boat or kayak with the Orca swimming past our house. While it's true that there are times when boats are in the way of a moving pod, the Orca have never, to my knowledge, rammed or otherwise physically interacted with a vessel. That's not to say that it's "never" happened, but to assert that this occurs on so frequent a basis as to endanger the very survival of the Orca in our area is, to say the least, questionable, if not outright incredible.

On the other hand, it's also true that the Orca are unpredictable in their meandering journey and as a frequent boater in the area, I can tell you that I have personally been boating with friends and have experienced a "surprise" visit of an Orca pod swimming near, and at times, under, our boat. To criminalize such a serendipitous occurrence would be sad, indeed.

In my experience, private boaters pose little if any threat to the survival of the Orca. On the other hand, "if" there is truly a need, perhaps a restriction on commercial whale watch boats would be more appropriate. These commercial enterprises are present all summer long and pursue the pods relentlessly. I'm not arguing that they pose any threat to the Orca, but if proximity to boats is truly believed to be detrimental to the survival of the Orca population, then these ever-present water craft would seem to me to pose a much greater threat than the occasional private vessel that may come into close proximity to a pod of Orca.

Sincerely,

Joe Stella
Henry Island
Friday Harbor, WA

Subject: My Objection
From: Lewis Stiner <capsptsale@aol.com>
Date: Tue, 06 Oct 2009 16:09:07 -0600
To: Orca.Plan@noaa.gov

The whales are a great attribute to the aera. I do believe you shoud enforce the 200 foot rule as much as possible. I do not believe the aera should be closed do to the whales. These whales will fish where ever they need to regardless of what is around them.You have not shown the rise or decline in the population is do to the food chain. I have observed the whale from Seattle to Alaska and the presence of man or boat does not stop them from going after their dinner. I strongly object to your closing of one of the more majestic coast lines in the San Juan Islands

Subject: Orca Plan
From: fishhog211@aol.com
Date: Tue, 06 Oct 2009 13:24:58 -0400
To: Orca.Plan@noaa.gov

The proposed new regulations are the best available science? They seem to be more opinion. When the anecdotal evidence is so diametrically opposed it seems appropriate that further investigation is justified, especially when the impacts to culture and economy are potentially devastating. Please stop the implementation of these proposals untill such time that more in depth research can be done and 'peer reviewed.' Thank you for considering my comments.

Clint Muns
Director of Resource Management
Stae Board, Puget Sound Anglers.
360-490-8482

Subject: The Views of 16 year Captain and Marine Biologist: Jim Zakreski
From: jim zakreski <jimzakreski@gmail.com>
Date: Wed, 07 Oct 2009 23:41:28 -0700
To: Orca.Plan@noaa.gov

Credentials:

BSc Biology, Marine, University of Victoria.
Marine Naturalist
Master Limited 60 Tons
Zodiac Captain: 16 years
Marine Biologist and Zodiac Driver for Polar Expedition Co.

16 consecutive years as Captain and Marine Biologist in the Victoria Whale Watching Industry. Over 5000, three hour whale watching trips primarily with the Southern Resident Killer Whales

In favor of 7 knot go slow zone
In favor of 100 meter/yard rule
In favor of 1/4 mile zone as described in PWWA guideline document.
In favor of Lime Kiln 1/2 mile zone
In favor of PWWA Guidelines
In favor of **MORE ENFORCEMENT**

We **NEED ENFORCEMENT AGENCIES** on the water. **WRITE TICKETS.**

The orcas are intelligent animals that recognize responsible ethical operators as non threatening entities. We represent safe areas in the ocean. Our behavior, when in accordance with the PWWA guidelines, sets a positive example for private boaters to abide by.

Give the rules of engagement a chance. In particular the 100 meter/yard rule. **ENFORCEMENT BY OFFICIAL AGENCIES IS THE KEY!**

By abiding by the present rules we can remove ourselves as a variable. This will free up resources to better tackle the **REAL THREATS TO THE SRKW:**

1. Food. Salmon decline
2. Toxins in the environment
3. Irresponsible vessel operators.

We are the frontline educators of the public. Increasing viewing distance to 200 meters is pointless and unfounded. It will create more room for recreational and sport boaters to speed thru. Make the 1/2 mile zone a 7 knot speed zone and **ENFORCE IT AS SUCH.**

What good are rules if NO ONE IS ENFORCING THEM?

Thank You.
Jim Zakreski

Subject: Comments on Proposed Vessel Regulations
From: Steve Ulvi <srulvi@gmail.com>
Date: Thu, 08 Oct 2009 08:23:29 -0700
To: Orca.Plan@noaa.gov

Your proposed vessel regulations are over-reaching and not substantially supported by applicable scientific data. Too many of the studies that these proposed regulations are based upon are of vessel impacts to dolphins or pinnepeds and not Orcas. You must fully explain the probable differences and how the results of these studies may or may not apply to Orca behaviour in the presense of motorized and non-motorized vessels.

The fundamental issues are severely diminished King salmon runs, reduced distribution of those migrating masses of fish and contaminants in Puget Sound that have accumulated in the tissues of orcas. These are the primary stressors on these magnificent creatures. The vessel regulations as proposed will greatly impact local economies and viewing of wild orcas which is the key to increased public interest and willingness to change practices that adversely impact these three southern pods.

Enforcement of the existing regulations on vessel separation are grossly inadequate at present.

I support the increase to 200 yards for vessels following or happening to be engaged in activities in the path of moving orcas. I enjoy seeing them at distances far greater than 200 yards and do not believe that the industry will be affected in any way by the increased distance. You must spend the money to enforce this separation. Whale Watch does a fantastic job educating the public and watching over the swarming fleet of whale watching vessels.

I oppose the 400 yard path restriction because it is unenforceable. It is a good idea and should remain as a guideline to activities in the path of oncoming whales.

I strongly oppose the misguided concept of a no-go zone on the westside of San Juan Island from May through Sept. I recreate and fish and whale watch in those waters. Orcas do not transit through those waters everyday. It is one of the best salmon fishery areas in the islands for pinks and cohos as well as a significant area for commercial and private kayak tours. It would be very difficult to enforce without marker bouys and will significantly impact the economy of the island and our pursuits of life, liberty and happiness. This concept is agency over-reach in the extreme and in my view a part of the proposal to make it look like NOAA is really doing something that will make a difference in southern orca numbers. Without collaborative protective measures for the ecosystem and orcas by Canada and other western states you are placing the burdens of restricted activities on us our here.

NOAA and the many other regulatory agencies responsible for the protection and recovery of Puget Sound and the Salish Sea have done a very poor job of it so far. It is very important to me that the southern orcas recover along with the health of the entire ecosystem but there is no reason to believe that better enforcement, wider public education and the implementation of a 200 yard restriction are a more realistic fulfillment of the public trust and ESA status requirements for possible eventual recovery. Meanwhile your agency could put more force behind meaningful salmon stock recovery and reductions in habitat destruction and contaminants all around Puget Sound.

Steve Ulvi
San Juan Island

Subject: Proposed Closure of Vessel Traffic West of San Juan Island
From: Shannon Hugel <st.hugel@gmail.com>
Date: Tue, 06 Oct 2009 11:46:51 -0700
To: Orca.Plan@noaa.gov

I would like to comment on the proposed action of NOAA to close vessel traffic west of San Juan Island. This is a stringent solution to a unsubstantiated problem. If the problem were verified, then common sense would dictate that closing boat traffic in the vicinity of the whales is the correct course of action. Closing an entire area, even when whales are not present, based on a "hunch" is wrong. Additionally, by forcing traffic to traverse the inner island waterways rather than traveling outside, you create congestion and greater risk of collision. If an accident were to occur, the potential loss of life and property, injury, as well as the release of pollutants into the environment should be of greater concern than the unsubstantiated notion that vessel traffic in this area harms the whales.

If you are correct and vessel traffic in this area does harm the whales, then announce the whales location on VHF channel 16. Notify mariners that coming within x number of yards of this area is illegal and punish the offenders.

As a boater in this area since the 70's, the amount of boat traffic is substantially down due to the economy and more succinctly, the higher cost of boats and fuel. The potential problem is likely to be greatly minimized without draconian action taken by NOAA. Also, having fished this area for 30 years, it does not take a genius to know that the lack of fish is of far greater concern.

Please focus your attention on over-fishing by commercial interests and stop harassing the easy target (recreational boaters) to make it appear you are taking serious action.

Respectfully,
Shannon Hugel

Subject: Regulations
From: San Juan Excursions - Whale and Wildlife Tours <sanjuanex@watchwhales.com>
Date: Thu, 08 Oct 2009 10:05:43 -0700
To: Orca.Plan@noaa.gov

Please reconsider the current proposed regulations for the recovery of the Southern Resident Killer Whales. These amazing animals need more food. They need to be protected from pollution in Puget Sound. Shutting down the Westside is not going to help either one of these issues.

Regulate the speed limit along the Westside between Mitchell Point and Eagle Point. Make the speed limit 7 knots and provide enforcement on the water. Boaters need to know there is a law and they need to abide by the law.

Moreover, provide funding for Soundwatch so they can inform private boaters that whales are in the area and how to maneuver their boats when whales are present.

Thank you,

Erin Ancich
San Juan Island

Subject: No go zone
From: eay100@msn.com
Date: Mon, 05 Oct 2009 21:42:39 -0700
To: Orca.Plan@noaa.gov
CC: Steve Moore <steve@mooreandcompany.com>

Gentlemen,
Yes I'm concerned about the declining whale population. I'm also concerned about restricting recreational boat traffic in one of the most interesting pieces of scenic waters and most productive for salmon recreational fishing (which isn't much anymore) , in our area. I've also read some of the studies listed on your web-site. I've got a degree in zoology and a doctorate in dentistry. I've taken classes in animal behavior. The research reported seems a bit self-serving frankly. Taken from 1000 m. away from on shore during the summer (vacation or work study position?). Some of the articles cite as a reference articles written by the same author,on the same topic.

Next there is absolutely no way other than by pure conjecture that those articles can say that an increase in some surface behavior activity is responsible for the decline in whale populations. How about the decline in the fish populations related to commercial fishing operations. Or a great number of other factors, large commercial vessel operations in Boundary Pass. Then even in one of the studies listed the whales weren't even present in the areas of observation for a substantial portion of the time. With all of the factors that can be part of the problem I'm not seeing ancillary boat traffic as one of the huge factors here, not at least as evidenced from what I've read so far. If you want to come up with safety and guidelines for the boating public and the whales please do so, but restricting an entire coast line of an island because of a reaching conclusion that boat traffic MIGHT be affecting the whale's behavior and this in turn MIGHT be a factor in their decline on the percentage of days that they MIGHT be in that area is ridiculous.
Eric Yaremko
Bellingham, WA

Subject: Orca Plan by NOAA
From: JLnTH@aol.com
Date: Tue, 06 Oct 2009 11:05:35 -0400 (EDT)
To: Orca.Plan@noaa.gov

We are definitely opposed to this new plan. The current regulations are enough to ensure Orca safety. We do boat in the San Juan area and try our best to eliminate any possibility of an Orca encounter. Sometimes impossible as they appear out of nowhere (and not just on the outside of San Juan Island). Once in Rosario Strait, all three pods cam through - the only thing to do was shut down. The proposed regulations let commercial and tribal fishermen in this large area - do you not think they are taking food from the Orca or that their motors would disturb the Orca? We think that Salmon restoration is the best thing to keep the Orca going.

Tom Hopper & Janet Lien
1809 Cay Way
Anacortes, WA
206-406-8196

Subject: ORCA RESTRICTIONS
From: Ken M Fletcher <kfletcher@weci.com>
Date: Tue, 06 Oct 2009 09:44:53 -0700
To: Orca.Plan@noaa.gov

Are your facts for having these rule based on true boating activities? If not use some good facts to come up with your positions. How is a small boat going to affect these animals? Having been out there and around them I would say it is the small boaters that need protection. Ask the whales to stay away if they feel they are in harms way.

More regulations are not needed just enforce what is already there. If you change them you won't be able to enforce them either.

Sincerely,

Ken Fletcher

Subject:
From: bob thompson <bobt3@comcast.net>
Date: Tue, 06 Oct 2009 10:07:39 -0700
To: Orca.Plan@noaa.gov

Ladies and Gentlemen

I read with some interest about your proposals concerning the Orcas, I must admit I think it had been crafted by some group with a very different view of what is really going on than the average boater. I have boated in the area you are talking about for 30+ years, and it is obvious to me that the whales could care less about my being there. We have had them chase salmon right up to our boat and did not think a thing of it. I don't know where you are getting your data, but it is so far out of touch with what I have witnessed that it seems like it was done from Kansas.

There are people that harass the whales, but it is not the norm. I believe most boaters care more about their safety than you do. There are laws on the books that will do all that is necessary to stop these few people without reinventing laws, for an invented crisis. What you are proposing is a typical government over reaction to some data that has little to do with the reality of the whales interaction with boaters.

I urge you to stand back and let common sense filter into your equations.

Bob Thompson
360 588 4796

Subject: Go-No-Go Zone for San Juan Island
From: Cheryl Herndon <eagle45@eaglecoveair.com>
Date: Wed, 07 Oct 2009 21:21:04 -0700
To: Orca.Plan@noaa.gov

I am a resident of San Juan Island and from my home observe daily the Orcas, the Whale Watching fleet, sport fishermen, and, during fishing season, the commercial purse seiners and gill netters. The Whale Watching boats pursue the whales and do keep their distance in general, although from the shore it is impossible to determine whether it's 100 or 400 yds. They often skirt around and past (at greater than 7 kts) the path of a pod to get a better viewing position. As for kyaks and canoes and pleasure boaters, I have seldom observed any harassment of the whales.

I am writing to register my comments as a concerned private citizen and to agree with the the three main points made by Rich Peterson of the San Juan Council. He emphasized "that rules be enforced fairly to both U.S. and Canadian, international and tribal vessels…that a 7 knot speed limit be imposed within 400 yards of whales within the inland waters of the state and there be an aggressive program of education, coupled with enforcement."

In addition, I also question the lack of supporting science for the proposal, and the appropriateness of science used as a basis for the proposal. How do studies on porpoise and sea lions justify the decision made by NOAA to propose such a restrictive zone? The issue of free access by owners to their private property along the impacted shoreline is another oversight in the concept of a proposed restriction zone.

I urge you to reconsider this new Restrictive Zone in favor of enforcing existing rules and regulations to protect the Orcas.

Siincerely, Cheryl Herndon

Subject: Orca Regulations
From: Ben Sabin <bsabin@centurytel.net>
Date: Mon, 12 Oct 2009 12:27:21 -0700
To: Orca.Plan@noaa.gov

To Whom It May Concern,

This letter is in regard to the proposed rule changes pertaining to Orca Whales and a possible no-boating zone along the west side of San Juan Island. As a life long boater and merchant mariner, I totally disagree with the notion that whales need to be protected from watercraft of any sort. I have observed their behavior for decades and enjoyed their company from the wheelhouse of tugs to kayaks and everything in between. There are already sufficient regulations in place to ensure that they are not harassed unnecessarily by people. They have the ability to avoid unwanted behavior if they choose. I have had them approach a kayak and stop within reach, as if they were just as curious about us. As long as they are respected appropriately by whale watchers, commercial and private, there is no need for such extreme legislation. The needs and desires of humans should always take precedent of that of a mere animal. Such rules would unleash outrage from the boating public, and would cost taxpayers dearly for the enforcement of such laws that would otherwise be disobeyed by normal thinking individuals. Please consider that the cost of such laws to the general public would not be warranted.

Sincerely,
Capt. Benjamin A Sabin

Subject: Boat Ban on San Juan Island
From: Dale Petersen <DaleP@soundbeverage.com>
Date: Mon, 12 Oct 2009 13:23:14 -0700
To: Orca.Plan@noaa.gov

Please consider this:

If we are to limit the influence boats and motors have on the Orca's on the west side of San Juan island then we must consider all boats. This would ban Coast Guard vessels, marine study vessels, all Shipping vessels (Vancouver B.C. might be affected) I have watched the Killers move from Canadian waters to the Washington waters at will. They will follow the salmon back and forth many times a day. We will have to restrict all sail boats as they have deep keels that can impact a whale. They also are under power more than they are under sail on the west side. Kayaks will need to be banned as well since most week-end kayakers believe it is there God given right to mingle with the Orca's and commune with mother nature. (Have you ever wondered where these people go to the bathroom?) I have fished the west side of San Juan Island for over 30 years. During that time I have seen the fisheries depleted by commercial fishing. Lack of care by Marine and Wild Life agencies from the state and federal branches miss-manage the food source for the Orca's. I have watched as the Orca's move down the Island in the tide fishing as they go. They rarely ever stop unless it is to eat salmon. When this happens the fishing boats move on. They leave behind the communing bunch of "Earth Sensitive" activists that pull their kayaks and canoes right into the center of the pod. If you truly want to help the Orca's plant more salmon, cut the commercial harvest out completely...Tribal and Cowboys alike. Where does it end with you people. First San Juan then Orcas..I've seen J-pod in Bellingham Bay. Really isn't this just a ploy to satisfy the "Earth Sensitive" bunch. How many licenses and permits do they buy? I realize however their special interests are funded by the Federal Government. Well thanks anyway for letting me vent. I know you will go ahead and impose some block headed measure that will cripple the sporting boats like usual.

Dale Petersen

Subject: testimony
From: Bob Elford <bob@sanjuanislands.com>
Date: Tue, 06 Oct 2009 11:30:29 -0700
To: Lynne.Barre@noaa.gov

Hi Lynne, I wanted to personally give my insight into this whole no go zone off the west side of San Juan Island. I want to give you my insight as I have lived year around for 13 years off the south side of false bay San Juan Island. I am one of the few people that not only lives on the –South Westside year around but also work at the same place, as we manage Mar Vista resort. The whale harassment is constant and terrible. I make on average of one or two calls a week to Brent Norberg and that is just for the worst of the worst offenders. The key isn't that we need a no go zone, but enforcement of existing rules, and ticketing powers for other agencies. I do believe that if there were teeth in the rules people and vendors would think twice before they just charge through the whales. I also think that there should be a person (pilot) on board each of the whale watching vendors telling them where they can and can't go, ,just like they have on commercial fishing vessels in Alaska. This would be at the expense of the vendor and mandatory if they are going to be allowed to come into the waters of the state for purposes of viewing the whales, screw NAFTA. They are making plenty of money and if it is too cost prohibitive, stay in the Canadian waters, PERIOD. I also feel that some issues needs to address like types of engines and noise considerations, and would be glad to help in any way possible to sit on an advisory board that can actually work on these topics. Also if you could please send this information to any Legislators or Senators that are in a position to help both Federal or State. I have actually discussed this with our Sen. Marie Cantrell? and her aids on a visit to D.C. a few years back. Also the fisherman that are being the most vocal are some of the worst offenders that I witness. Some (but not all) have an attitude that screw the whales, we are humans, and have fast boats, we rule. I didn't make it to any of the meetings that you have conducted and I also just want to speak to some one that will listen and avoid all the anger and fear. This is like the health care issue for use up here. The loudest and maddest are the ones that think they are listened to the most hopefully they are wrong.

Bob Elford
360-472-1177 cell
email: bob@sanjuanislands.com

Subject: comment on Killer whale- NOAA
From: Mike Bredeson <Mike@JohnsonTeamRealEstate.com>
Date: Thu, 01 Oct 2009 09:35:37 -0700
To: Orca.Plan@noaa.gov

To keep boats 1/2 mile off shore on San Juan Island?---- Most pleasure boats fish from 7:00 am to 7:00 p.m. during the summer months---July-Sept 1st---- The Killer whales are out there 24hrs a day---they feed all night. -- Also-we saw them several times in July and August in the Sandy Point area in Ferndale. They travel constantly--- This move by NOAA is taking away rights from taxpayers!---and what is the deal with tribal fishers allowed to be in 1/2 mile-- but not the tax paying citizens of the state!!!! This choice by NOAA will impact boat sales, tackle sales, whale watching businesses and general tourism. --- no tax dollars and NOAA will suffer too.

Mike Bredeson-The Muljat Group South
The Johnson Team-360-201-5088
www.johnsonteamrealestate.com
mike@johnsonteamrealestate.com

Subject: Proposed restrictions
From: Katie Hurley <katiehurley@comcast.net>
Date: Mon, 05 Oct 2009 21:35:07 -0700
To: Orca.Plan@noaa.gov

Saving the Orca whales is necessary and worth doing. However, I am vehemently opposed to the regulations and restrictions being proposed by NOAA. I see the scientific data presented to be limited in quantity and content in support of the conclusions presented. Broader vetting of the presented data needs to be accomplished by impartial scientific panels to validate the scientific data collected to date.

Katie Hurley
Olympia, WA
360-866-2242

Subject: public comment 1/2 mile no-go zone
From: Fishrlady ~ <fishrlady@hotmail.com>
Date: Sun, 27 Sep 2009 18:10:31 -0700
To: Lynne.Barre@noaa.gov

Dear Lynne Barre,

I attended the Anacortes, 9/27/2009 public meeting.

I intended to read the attached comments at the meeting, however starting inking out most of it when I learned I'd have only two minutes. By the time we realized no comments would be read into the records it was pretty messy. It took me some googling to find your email address since I didn't memorize what was said although multiple times. There was a huge turn out and it was a bit hard to hear the speaker much of the time.

I sure wish I had that kind of turn out at my own public meetings. I realize the crowd may have been more passionate than was comfortable for staff. Saying I don't know and will get back to you is a legitimate answer that would have been better received several times although your co-worker does not have the experience you obviously possess. You handled yourself expertly, as someone with honest ethics and did not appear to take it personal.

I must congratulate NOAA on an example of exactly what public meetings and a comment period are for. Providing insight to what information provided by consultants is inaccurate and of course, we all feel passionate about our businesses being shut down by current research not being done or being flawed in so many ways.

I sincerely hope the Charterboat Association and sportsfishers who know the behavior of the Orca's and area so well will be able to work with NOAA to create a proposal that is effective, reasonable and not inadvertently devastate human lives without actually helping the whales.

Debra Stevens
Fishcatcher Charters
fishrlady@hotmail.com

Bing™ brings you maps, menus, and reviews organized in one place. Try it now.

My no go testmony.doc

Subject: Comments
From: cw bamford <cwbamford@gmail.com>
Date: Fri, 02 Oct 2009 08:28:43 -0700
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

from
Charles Bamford

I was at Sept 30 meeting.
What I came up with is
1. Enforcement of Current rules.
2. Orca food
Salmon
What is happening?

Start over on researching Salmon.

What is working?
Pink Salmon had a great year

I believe Chinook have a huge variance in return
with or without man.
HARVEST is the issue
Do we need gill nets?
How many states still allow gill nets?
Night time commercial fishing?
Who is enforcing laws and counting fish?

1.HARVEST
2. habitat
3. hatcheries (good and/or bad?)
4. hydro (damns)

Lets get better data and look at longer periods of statistics.

Thank you

Subject: Regarding new regulations!
From: Jordan Saunders <saunders.jordan1@gmail.com>
Date: Fri, 02 Oct 2009 11:35:41 -0700
To: Orca.Plan@noaa.gov

To whom it concerns,

After hearing about the new regulations being planned for the Northwest whale population I strongly oppose the proposed plan. The bottom line is that these whales need safe routes and enough food. I think that re-evaluating the salmon recovery program and cleaning up the Sound are higher on the priority list than banning recreational vehicles from coming into contact with the whales.

Its clear that commercial fishing has also gotten out of hand and this needs to be dealt with. Not only are they destroying the fish populations, but the fishing vessels themselves are dangers to the whales.

I also believe that the whale watching needs to remain existent to raise awareness to the problems that these whales are facing. As long as the businesses are being responsible with their practices they need to continue to show the importance of these great animals. Please don't give in to the corporate pressure put on from the fishing industry. We must clean up our oceans and earth. Every little step helps.

Cheers,

Jordan Saunders

Subject: Comments
From: Katie Jones <orcan1281@yahoo.com>
Date: Thu, 14 Jan 2010 21:27:47 -0800 (PST)
To: Orca.Plan@noaa.gov

I am writing in response to the new NOAA proposal for federal regulation changes regarding whale watching and other issues surrounding Southern Resident killer whales.

As a long time member of the whale watching and research community, I firmly believe that the current regulations are adequate. I do not believe that any new regulations put into effect by NOAA will have many positive outcomes for the orca whale population. I say this only because NOAA is not able to enforce the regulations that are already in place. Why will new regulations make a difference if NOAA can't enforce them?

I care deeply for the orca population and I wish to see them survive and thrive. I do think that our habits and conduct around the whales may be having some negative impact - but I believe boaters are just a surface problem and the easiest scapegoat. If NOAA really wants to help the whales, then they should be focusing more on the polluted and dwindling salmon populations and the contamination of the local waters. Without salmon and clean water, we have no whales...PERIOD! Boats, in my opinion, are way down on the list as far as threats are concerned. These animals are highly intelligent. They know how to manage themselves around boats without human intervention. I've seen them travel for miles unscathed through a maze of purse seiners. I've seen them speed toward large freighters just to surf in their wake. I've seen them glide up next to whale watch boats, turn on their sides, and stare at everyone on board. Why does a tangle of boats matter if they can't find anything to eat? Salmon is KEY!

The arrogance of humans baffles me. In the grand scheme of things, we really have NO idea what's going on out there or what the whales really "think" about the boats. However, we do know two of the most important points - salmon populations are dwindling and whales need salmon to live. Our waters are polluted and whales need clean water to live. Lets focus on the real problems, shall we? Don't put a band-aid over it. Don't champion these new regulations. Come up with some new ideas and better solutions! The whales are counting on you and their time is quickly running out...

Thank you,
Katie Jones

Subject: Protective Regulations for Killer Whales in the Northwest Region - comment
From: Bsh331@aol.com
Date: Thu, 01 Oct 2009 16:34:13 -0400 (EDT)
To: Orca.Plan@noaa.gov

Attached is my written comment of the proposed Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act {50 CFR Part 224 [Docket No. 070821475–81493–01] RIN 0648–AV15}.

Thanks,

Brent Hackney

Killer Whale No Go Zone Letter.zip	**Content-Type:** application/zip **Content-Encoding:** base64

Brent Hackney

PO Box 246 Lake Stevens, WA 98258
Phone (360) 654-3445 Fax (425) 397-9168

Administrator, Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way, NE.
Seattle, WA 98115.

To Whom it May Concern,

I am writing this letter is response to the proposed Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act {50 CFR Part 224 [Docket No. 070821475–81493–01] RIN 0648–AV15}.

In the proposal I see several flaws that are not scientifically based, most notably the banning of sport fishing within the proposed "no go" zone on the west side of San Juan Island. The act of sport fishing and the affects it has on the natural behavior of the southern resident population of Killer Whales appears to be mainly based on interpretation of opinion and not scientific fact according to the references listed in the proposed regulation.

This proposal would also severely affect the local whale watching industry by excluding it from one of its most popular areas. It is also in the best interest of the local whale watching industry to protect the southern resident population of killer whales, as they appear to be one of the most popular whales to observe. The local whale watching industry respects the natural behavior of killer whales making this proposal not necessary.

According to scientific fact, pollution in Puget Sound (most notably the presence of PCB's) has a greater impact on the survival of the southern resident population of killer whales. I feel the effort and resources devoted to this current proposal would be better served by addressing the issue of pollution in Puget Sound than establishing "no go" zones.

Sincerely,

Brent S. Hackney

Brent Hackney

Subject: Proposed NOAA Vessel Regulations
From: Richard <richardw@capsante.com>
Date: Thu, 24 Sep 2009 11:25:50 -0700
To: Orca.Plan@noaa.gov

Regarding the proposal to further restrict accessibility to orcas in the Puget Sound, I would ask that the NOAA defer any changes to the current regulations. It does not appear that there is any evidence indicating that the current practices are creating any harm to the killer whale population so any action at the present time is unwarranted. I believe the whale watch operators are equally concerned or even more concerned about the welfare of these animals and would be the first to adopt any measure to protect them. They not only have the greatest first hand knowledge and appreciation of the orcas, but their personal livelihood depends on their perpetuation. They are committed to maintaining and growing the orca pods more than any other group. I believe by working within the existing regulatory environment that goal is being accomplished. I have personally gone on whale watching tours from Anacortes, WA and the tour operators continually expressed their concerns for the orcas and operated the whale boat to allow them a distance of separation for their safety. In other words, they backed up their words with actions. It was a wonderful experience for everyone on the boat that day and all aboard came away with a greater appreciation for the orcas and an even stronger hope that they will be there for all the future tours to come. I believe the tour operator achieved that end by operating within the current guidelines. They achieved a memorable experience for the whale watchers and lasting support for the whales. Let the tour operators continue doing this valuable work in support of the Puget Sound orcas.

Respectfully,

Richard Wright
Anacortes, WA

Subject: NOAA Orca Plan - Vessel Restrictions
From: lk2thlite@aol.com
Date: Wed, 23 Sep 2009 17:38:35 -0400
To: Orca.Plan@noaa.gov
CC: ss_carpenter@comcast.net, watne_ws@hotmail.com, ss_carpenter@comcast.net, fidalgocowboy@msn.com, grc@wavecable.com, hfbundy@yahoo.com, webmaster@nine44turbo.com, nallan@wavecable.com, dhan@cedarcomm.com, gomesrj@comcast.net, res0ngt9@verizon.net, jwhy601@yahoo.com

To who it may concern,

Your proposals to restrict vessel traffic on the West side of the San Juans I find with out merit and scientific facts. These mammals have always continued to feed in the area when recreational fisherman are also using these waters. I could understand commercial fishing operations. I would like to also remind you that recreational activities bring millions of dollars to our local economy. A lot of these funds also support conservation efforts. Fisherman and kayaks are not the whales enemy!

Please consider a different choice that will benefit all including the whales. Your decisions are important and should take into consideration the facts, the history, etc.

I look forward to your response!

• Gary L Johnson
P.O. Box 816
Raymond, WA 98577
(360) 942-2141 home
(360) 632-0857 cell

Coastal Conservation Association - Chairman (Nominations Committee)
Pacific County Angler
Rocky Mountain Elk Foundation
Nature Conservancy

Subject: San Juan "No Go Zone
From: David Martin <dbmartin@whidbey.com>
Date: Fri, 25 Sep 2009 16:01:02 -0700
To: Orca.Plan@noaa.gov

To Whom It May Concern:

I attended the September 24, 2009 public hearing that was held by NOAA in Anacortes, Washington. I found it extremely disconcerting that there was no way to record the public comment period that was available, and turned out to be how the whole meeting was run. The Orca "Expert" that was present from NOAA seemed befuddled that there was that much support for NOT implementing the propose regulations. The scientific data that was presented seemed inadequate, unrealistic and outdated.

I would request that you postpone any further action on this proposed regulation until a full review can be conducted on the methodology surrounding the selection of the data used to railroad this proposal upon the residents of Washington State.

Respectfully

David Martin, CPA

I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 7015 of my spam emails to date.
The Professional version does not have this message.

Subject: Fw: NOAA Orca Plan - Vessel Restrictions
From: doug hanson <dhan@cedarcomm.com>
Date: Fri, 25 Sep 2009 16:33:54 -0700
To: Orca.Plan@noaa.gov

Subject: NOAA Orca Plan - Vessel Restrictions

To who it may concern,

Your proposals to restrict vessel traffic on the West side of the San Juans I find with out merit and scientific facts. These mammals have always continued to feed in the area when recreational fisherman are also using these waters. I could understand commercial fishing operations. I would like to also remind you that recreational activities bring millions of dollars to our local economy. A lot of these funds also support conservation efforts. Fisherman and kayaks are not the whales enemy!

Please consider a different choice that will benefit all including the whales. Your decisions are important and should take into consideration the facts, the history, etc.

Doug Hanson
13275 Beaver Lake rd.
Mount Vernon WA. 98273
PSA Member

Subject: proposed regulations
From: Michael Huber <kayakbum48@yahoo.com>
Date: Fri, 25 Sep 2009 23:12:34 -0700 (PDT)
To: Orca.Plan@noaa.gov

I would like to comment on your new proposed regulations regarding limiting boating on the west side of San Juan Island. I've been a kayaker for 35 years, paddling at many places on this planet, entranced by the wildlife I've been able to encounter utilizing my quiet, non intrusive craft. I've paddled with gray whales in Baja and along the west coast, humpbacks in Hawaii, dolphins in the Sea of Cortez, and, of course, orcas in the San Juans, where I have lived for over 20 years. I moved here because it is one of the best kayaking destinations in the world. In all of my paddling with whales, I have never chased or harassed or pursued one, because that is not one of your options when you can only paddle 3 miles an hour, much slower than the wildlife, but I have had many close encounters because the whales have often chosen to come to where I was sitting quietly in my kayak. I have had whales surface right next to me, swim right under my boat, and play all around me, encounters over which they had total control, not me. They have been wonderful experiences.

Others wish to replicate my experiences by paying to go out on big whale watching boats, which is fine, but I have been dismayed by the proliferation of these ever larger craft and their constant shadowing of the orcas in this area. From dawn til dusk these gentle creatures are pursued by packs of these boats, with their diesel engines throbbing, sometimes as many as twenty five or more at a time. No wonder the whales are stressed.

It's not the kayaks paddling along the shore which hassle the whales, it's the powerboats, and to lump all boats into the same category is totally wrong. Your proposed regulations do just that, penalizing those who cause no harm, the kayakers, for the sins of the bigger powerboats. And to close off the entire west side of San Juan Island, including the county park there, which is our only access to the area, just adds insult to injury.

Kayaks are nothing like the commercial whale watch boats. We have limited capabilities. We can only go slowly. We can't paddle many miles in a day. Many of us can not paddle in the bigger, choppier water of the middle of Haro Strait, and are forced to remain along the shoreline for safety. We can not put in at Friday Harbor, or Anacortes, or Bellingham, travel not just to the west side, but all around the islands in pursuit of the pods of orcas like the powerboats can. If the whales don't want to swim up to us, we have no way of following them wherever else they chose to go. We can not chase them all day long, driving them crazy with our noisy engines. Why try to regulate us as you would the power boats?

I am certainly in favor of some regulations, what with ever more people on ever more boats crowding Haro Strait, the traditional route that the orcas follow. But don't lump us in with the noise makers, the harassers, the causers of the problem. Kayakers are not causing the whales problems. They chose when they want to interact with us, and when they don't, there is nothing that we can do about it. When we are sitting in our boats on the water, we are causing no harm. We can't cause the whales to do anything that they don't chose to do. All boats are not created equal, so please don't act like they are. Show some common sense, even though I know that you are just trying to keep the whales from harm.

Earlier this summer, I was with some friends, paddling for a couple of days on the west side, camped at the county park. One of those days, a couple of us were sitting quietly in our kayaks, a couple of hundred yards off shore, watching some whales, and their accompanying fleet of big boats further out in the channel, when three females suddenly surfaced next to us, between our boats. They circled us several times, went right under our

boats, almost close enough to touch, and then cavorted around us for several more minutes before swimming off. After they left, we were approached by a Soundwatch motor boat and told that we had broken the law by not trying to get away from the whales. How crazy that is! We were sitting still, looking elsewhere, and the orcas chose to come to us, totally controlling the encounter. What crazy law is it that says that we should try to paddle away, when all we were doing was sitting still. Your proposed new regulations are the same kind of not thought out rules, penalizing those who are causing no problems along with the others who are. Next, you'll be saying that the crowds who line the shore at Lime Kiln Park are also part of the problem, that the noise that they make is distracting to the orcas. Think about what's really going on here, and don't blame everybody for the actions of a few.

Enforce the distance limits that are already set, but don't close down the entire area. You'll end up with a line of commercial boats sitting their half mile off shore and the paddle craft not being able to get out there at all.

Oh, and thanks for the scheduling of your meetings for comments from the public in the evening in Friday Harbor. Have you read the ferry schedule. There is no way that folks like myself, who live on other islands, can attend such a meeting, since there is no ferry service back to Orcas later than the 5:30 local. Are we supposed to come over and spend a night in a hotel since we can't get home. That's real thoughtful of you, too.

I hope you will come to your senses and take some of what I have written to heart.

Thank you.

Michael Huber
PO Box 22
Orcas, WA 98280

Subject: Sailing in the San Jauns
From: Micksails@aol.com
Date: Wed, 30 Sep 2009 12:18:27 -0400 (EDT)
To: Orca.Plan@noaa.gov

I realize that the mentioned restrictions for the "Be Whale Wise" recommendations pertains to motorized vessels and the noise generated by them.

What about sailing vessels that are not using auxiliary propulsion?

I sail in the West San Juan Island area annually and am concerned about the restrictions to navigating in that area.

While I have never harassed marine mammals, there have been numerous times when a curious pod of porpoises have come along side and followed my vessel for a significant amount of time.

I have also been fishing in the area and been approached by Orcas where they have come very close to the boat I was fishing in. What is a person supposed to do while trolling along, minding ones own business, when a whale suddenly appears? Does the whale know he's in violation of the "Be Whale Wise" regulations?

Please stop the insanity!

Yes, I agree that there should be rules in place and enforced for harassment of these animals. But to impose a "knee jerk" limitation on activities in navigable waters is a bit much.

Please reconsider this Draconian proposal.

Michael Corcoran
S/V Blackfoot

Subject: Comment on NOAA Whale Watching Regulations
From: Deke DeKay <dekedekay@earthlink.net>
Date: Fri, 15 Jan 2010 10:53:44 -0800
To: Orca.Plan@noaa.gov

To NOAA – Comments regarding the proposed new Whale Watching Rules

My wife and I are recreational boaters who have taken a great interest in watching whales over the past 3 years – we pride ourselves on being cognizant of the rules and attempt to follow them at all times – we take our cues from the professional whale watching boats and try to follow their protocols

We are afraid that the proposed rules are too stringent and don't take into account the unpredictability of whales behavior – We understand that the purpose is to eliminate "chasing" the whales or deliberately impeding them in their natural traversing of the waterways, but the way we are reading it is problematic – a couple of examples that have happened to us multiple times ;

We are going to an area where we think we may be able to view whales – on our way there we come across whales unexpectedly, (either leaders or trailers depending on which way we are going) and when we see them we are too close to them – our reaction now would be to shut down completely to minimize our intrusion – under the new rules we would be in violation, but what could we do

Another problematic scenario is when we are observing a group of traveling whales – we are paralleling them and there are other groups around that we are unaware of – all of a sudden a whale pops up away from the others, but we are too close – what do we do? Again our reaction is to shut down completely, but it doesn't seem to comply with the new regulations

Then there are the times when the whales seek us out – we were in Boundary Pass a couple of years ago, watching a group of whales when we see a couple of whales away from the others heading towards us – we stated evasive action by backing out and they changed their direction to continue toward us – we did it again and again they changed direction toward us, this time getting too close – our reaction as in the previous examples was to shut down our engines – we sat there as they came by and they each did a rolling breech when they went by our boat a very close range – the whales were deliberately checking us out and playing with us – Soundwatch was nearby and came over to us after the whales departed, identified them as Ruffles and Granny, and said we did the right thing because our evasive action wasn't working

The point I would like to make is that the proposed regulations do not seem to provide for the unexpected behavior that whales can exhibit. I think there should be some provision for alternative action (such as shutting down the engines and remaining stationary until whales are out of range) when this occurs.

Another point I would like to make is that this behavior frequently happens when the whales are traveling, not foraging – We can support the No-Go Zone as it will probably increase the foraging in the area where they spend the most time, but the other regulations seem a little arbitrary and onerous in open water

One final antidote happened last summer and makes us wonder about the theory that the noise and disturbance from boat traffic is having an adverse effect on the whales and they don't like it – this is an email I sent Susan Berta of the Orca Network as a counter-point to some comments that were made about whales and commercial shipping traffic

I would like to add to the freighter comments - This occurred yesterday,
July 3 - My wife and I we coming back from a few days in the Gulf Islands in

the early afternoon and luckily arrived at Turn Point right when a fairly large pod of 15 to 20 whales arrived headed northbound - not sure what Pod they were, can anyone who was there identify them? - the whales were pretty spread out(as were the whale watching boats) and most of them headed toward the Point, but a couple of groups stayed outside - one group of 4 looked like a male, 2 females and a juvenile and were very active - there was breaching and tail slapping and it looked like the juvenile was trying to imitate the larger whales - about this time, a very large fully loaded container ship comes barreling down Boundary Pass and starts making the turn into Haro Straight - my guess would be 25 knots - it looked like he was headed straight at the quartet of whales - they got closer and closer and we were getting real nervous because from our angle it looked like they were on a collision course - when they were about to meet we realized, with great relief, that the whales knew what they were doing and were well inboard of the ship - when they passed along side the vessel, the male did a full out of the water breach and roll as if to say hello - the 4 of them then made a beeline for the wake at the back of the ship and started surfing the wave - 2 of them used the wake to catapult themselves out of the water, seemingly able to jump much farther out of the water with the help - after the ship was gone the whales were seemingly quite pleased with themselves as there was a lot of tail slapping and pectoral fin slapping going on - it was quite remarkable - we have never seen anything like it - is this normal behavior for them?

In this incident the whales were certainly not disturbed by the noise of the freighter, in fact they sought it out and seemed to enjoy interacting with it – We think that there should be some thought given to the possibility that the whales have adapted pretty well to boat traffic and that the doubling of viewing distance is arbitrary without producing much effect – We could support some increase in distance but feel that 600 feet is too long a distance to constantly manage.

Thank you for the opportunity to comment on these proposed regulations

Deke and Annie DeKay
Orcas Island

Subject: Another Letter From A Concerned Boater - Forwarded from Prince of Whales
From: Prince of Whales <info@princeofwhales.com>
Date: Fri, 15 Jan 2010 12:50:48 -0800
To: Orca.Plan@noaa.gov

National Oceanic and Atmospheric Administration

For the last ten years I have had extensive time working and boating on the water, observing the Southern Resident Orca. I have been a Fisheries Observer (Canadian Fisheries & Oceans), and have spent a summer volunteering with M-3 (Marine Mammal Monitoring Project), and for the past eight years volunteering with the Oak Bay Sea Rescue.

On several occasions, I have observed first hand a number of near misses or incidents with the Orca that have resulted from interaction with Commercial Fisheries vessels and large pleasure craft.

With relevance to the Whale Watching Boats and the existing 100 yard boundary, I feel if the existing regulations are adhered to, it creates a safe "buffer zone" for the whales. Oncoming boats are aware of whales, because they see the boats in the area and tend to go around the area instead of ploughing right through it. I believe that if the proposed 200 yard distance is implemented, the number of "close call" incidents will increase dramatically, as boats will be unaware of the safe "buffer zone".

The new proposed viewing guidelines will be detrimental to the whales. It is my belief that the most important issue is to educate the public about the diminishing salmon stocks, and the negative impact this is having on the whales. Restricting access to the whales from a reasonable distance is not the solution. If the public are only able to view the whales from a distance where they can't properly observe them, then our education program will be jeopardized. The public will lose interest.

Yours Truly

Rush Robin Ross Dalziel
lesislanders@yahoo.ca
Victoria, BC

Subject: New rules for Orcas / D# 070821475-81493-01
From: Mystic Sea <mystic@ncia.com>
Date: Fri, 15 Jan 2010 13:34:11 -0800
To: Orca.Plan@noaa.gov

To whom it may concern:
I, Monte Hughes, write this in reference to the new proposed rules on the Orca resident whales, J, K & L pods.

Today I read the newspaper with much disgust, contempt and dismay.

My family have lived, fished and farmed in the San Juan Islands for over 100 years. My grandparents were the first settlers of Blakely Island. My parents, lived, fished and farmed on Lopez. I, Monte Hughes have commercially fished and ran charters boats here in the San Juan Islands for the past 40 years.

According to the paper, scientist now say that we had 140 whales in the San Juan Islands at one time! WHEN? WHERE? Show us the proof. No maybes no could or could be. There were never 140 whales. Oh it gets better they also tell us we now need 200 whales to take them off the endangered list. Why do we need a 40% increase to what never was. Is this the kind of facts that you are going on to change the whole being of the San Juan Islands as we know them today. These whales are second most intelligent being on the planet. There numbers are on the rise 6 new calves in the past six months alone. That brings us to another scientific statement in the paper. Now they tell us that when 8 whales died a few years ago, which 2 were in there late 90's, it's a disaster but when we have 6 new calves in 10 months they call it a fluke, these are people of credibility.
I ask you please don't listen to one sided information from biased people, use real fact.

Whales are growing in number. Leave the rules as they are and enforce what you have. Changing and tightening the regulations that are in place will do nothing for the whales. It will add to the financial devastation to the San Juan Islands and Washington State. Tourism is the number one industry in the San Juan Islands. Anymore change to these regulations will stop tourists from coming. It will create job loss, business foreclosures, from stores, to motels, to restaurants to charter and fishing boats. These changes will crush the fragile economics of the San Juan Islands and for no good.

Theses whales need food not flimsy expensive rules. Please spend our tax payers money on salmon restoration not bureaucracy.

Thank you,
Monte Hughes,
Mystic Sea Charters

Subject: No go Zone:
From: Richard Veach <rveach@whatcom.ctc.edu>
Date: Wed, 30 Sep 2009 15:58:53 -0700
To: Orca.Plan@noaa.gov

Ladies and Gentlemen:

I will vigoriously seek to unseat any politican that seeks to regulate where I and my family can enjoy our boating activities.As well, I will join with any group that legally challenges any further prohibition placed on navigating within Puget Sound. Blocking boating from certain areas is not a viable way to improve Killer Whale populations. Richard Veach

1078 Cedar Hills Ave.
Bellingham, Wa 98229
tooweather@comcast.net

Subject: Protecting the Orca and the Whale Watch Industry
From: Beach Haven <relax@beach-haven.com>
Date: Sat, 26 Sep 2009 11:02:40 -0700
To: Orca.Plan@noaa.gov

We manage a resort on Orcas Island, WA. We feel that the local whale watch boats have the right to continue operating as long as all boaters are following the guidelines. We need to implement a way to enforce the rules that have been set in place instead of assuming that they don't work. Put funding toward enforcement and see how it works. If that fails then a more drastic decision can be made.

Your Beach Haven Hosts,
Shayne, Justin, Alita and Kevin

684 Beach Haven Rd
Eastsound, WA 98245
(360)-376-2288

Subject: ORCA PLAN COMMENTS
From: Nathan Brandow <outerislandx@hotmail.com>
Date: Mon, 11 Jan 2010 13:01:17 -0700
To: Orca.Plan@noaa.gov

To NOAA,

Attached are some comments for you.

Beau Brandow
Outer Island Expeditions
office: 360-376-3711
cell: 360-622-6562
www.outerislandx.com

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

NOAA Comment GIS.doc	**Content-Type:** application/msword **Content-Encoding:** base64

NOAA Comment OIE.doc	**Content-Type:** application/msword **Content-Encoding:** base64

NOAA Comment.doc	**Content-Type:** application/msword **Content-Encoding:** base64

NOAA Comment dmp.doc	**Content-Type:** application/msword **Content-Encoding:** base64

NOAA Comment pw.doc	**Content-Type:** application/msword **Content-Encoding:** base64

NOAA Comment RFB.doc	**Content-Type:** application/msword **Content-Encoding:** base64

To whom it may concern at NOAA,

Regarding the proposed rule changes for the SRKW:
I am writing one more letter to express my opinion against moving whale watch operators back to 200 yards. I am also against closing the west side of San Juan Island May to September to all boat traffic.

Whale watch operators educate over 500,000 people every year about the orca whales. We have a history of guideline development, we are willing to assist in research and we are political advocates for the orca. We provide a sustainable economic component, to our local economies and we monitor boat activity around the whales when enforcement is not on the water. The resident orca are boat savy. For over 100 years they have not only survived, but thrived in boat-active waters as long as the salmon were present to sustain them.

There is still no proof that boats have any negative effect on their lives. The precautionary principle, to stay 100 yards away, has been applied by state law. The 'no go foraging zone' on the west side of San Juan Island was also put in place as part of the precautionary principle.

If you want more protection make the west side a "*7 knot slow zone*" while whales are present, not a 'no go zone'.

I am of the opinion that with all the money spent on studies, that money could have been better spent by funding an enforcement boat on the water daily during the summer months when the SRKW are traditionally here.

What I consider odd about these new proposed rules is this: Ken Balcomb, Bob Otis and many others feel that our orcas are not affected by respectful viewing. These are experts, yet NOAA seems to be hell-bent on listening to less qualified people.

I ask the people at NOAA to understand that local people in small communities are not uninformed. They are not ignorant. They are blessed with common sense and local knowledge. When they see their individual freedoms, such as sport fishing, boating, whale watching and kayaking arbitrarily being taken from them, they become suspicious, concerned and angry.

It is incumbent on our government at every level to inform and convince our citizens that the good of the community will be justly served by this action. NOAA has failed to provide convincing science and unbiased leadership to bring the citizens to agree on any more regulation.
I strongly recommend that NOAA focus on salmon restoration, which will unite the local communities and best serve the orca.

Nathan Brandow
Outer Island Expeditions
Owner, Eco Tourism Consultant

Subject: Orca Whale Watching
From: Estee Rosenberg <orcadolphinfree@gmail.com>
Date: Mon, 28 Sep 2009 09:38:22 -0400
To: Orca.Plan@noaa.gov

Whale boat watching is a truly awesome' experience from which all can learn and cherish! as long as they keep within 100 yards of the whales.
Viewing an orca pod in the WILD is a special privilege that will teach people to respect and protect them at the present and in the future.

Most important, we need to Find out what's causing the decline in the health of the Orcas and the amount of salmon prey available, perhaps a result of warming ocean waters due to climate changes and toxins.

Regards,

Estee Rosenberg

Subject: SAB Study
From: "Island Adventures, Inc." <whales@islandadventurecruises.com>
Date: Mon, 28 Sep 2009 16:15:38 -0700
To: Orca.Plan@noaa.gov

The Surface Activity Behavior study should not be considered in this process. As even the author has stated in public, the work is inconclusive. I question whether the results are repeatable, and even if they are, socialization around vessels is not a negative behavior and certainly would not affect their long-term survival. I have viewed whales through my scope that are very surface active with no vessels present and I believe the same study could be done to show that whales are more surface active when vessels are not present. Either way, the study should not be considered in this process.

Shane Aggergaard
Anacortes, WA

--
Island Adventures, Inc.
1801 Commercial Avenue
Anacortes, WA 98221
1-800-465-4604
1-360-293-2428
www.islandadventurecruises.com

Subject: Proposed Vessel Regulations Comments
From: Dan Watson <dan.d.watson@gmail.com>
Date: Tue, 12 Jan 2010 16:16:31 -0800
To: Orca.Plan@noaa.gov

To Whom It May Concern:

I attended the presentation of NOAA's proposals by Lynn Barre to the public in Friday Harbor, and a presentation by Kari Koski (Soundwatch Program Director) to the Friday Harbor Power Squadron (FHPS) on the 7th of January. The FHPS (and all US Power Squadrons) is committed to futhering boating safety. Please note that while I am an Executive Committee Officer of the FHPS (Lt./C, Treasurer), my comments and suggestions are only a representation of the views shared with a majority of the Executive Committee and not an official comment of the entire FHPS (due to the limited time remaining for public comments). I am also a kayaker, long time boater, and an owner (retired) of property on the West side of San Juan Island.

1. We adamantly oppose the proposal to implement a blanket no-go zone on the west side of San Juan Island. However, most of us would reluctantly accept a SLOW ZONE. Boating safety would be in jeopardy, in our opinion, with any such no-go restriction (especially for kayakers and other small boaters). Your current exceptions (commercial and Indian fishing boats, and the noise from commercial traffic in Haro Strait) alone would defeat the intended purpose of said proposal. Further research is needed in regard to whether and how much vessel noise effects Orca since their echolocation is in a different acoustic range then that of vessel noise. Vessel strikes is not an issue with Orca, unlike other whales. In addition, of primary importance to the survival of our Orca is salmon, and these regulations do not address that critical issue. I would also suggest that your researchers contact the scientists who have been studying Orca, their sounds and vessel noise, during the past several summers at Lime Kiln. They have different conclusions and ideas.

2. Most of us would support a 1/2 mile radius NO GO ZONE for motorized vessels (only) around Lime Kiln Lighthouse.

3. We strongly oppose the proposed 200 yard minimum vessell approach restriction and the alternative 150 yard proposal by Soundwatch. Enforcement is a key proponet of any regulation, and it is much easier for the boating public to estimate the current 100 yard restriction as such is the distance of one football field (and I've never seen two football fields end to end from which I could base an estimate of a 200 yard distance). Thus, please retain the 100 yard restriction, and consider instead implementing a SLOW ZONE for any additional distance around the Orca, whether it be 150 or 200 yards.

4. Boating safety should be of prime consideration in regard to any restrictions you would place on kayakers, other paddle or oar powered boats or vessels. I know from my experience kayaking in the Salish Sea that you should normally stay within 1/2 mile of shore in the event of the danger from surface turbulance due to wind or large vessels approaching, and always know where the nearest landing place is in the event of a quickly developing storm or other emergency.

5. In regard to NOAA's prohibition of parking in the path of the Orca, we generally support such a restriction, but would suggest that the regulation include a requirement that power (or sail) boaters who suddenly find themselves in the path of Orca be allowed to either shut down their engines (drop

their sails) or slowly move at least 100 yards away from the direction/path of the Orca. Thus, the boaters should be required to "give way" to the approaching Orca (similar to other boating safety requirements in effect over the years).

6. We agree with the Sound Watch position on "Education and Enforcement" in the Fall/Winter 2009 Newsletter of The Whale Museum. The primary mission of the FHPS is boater education and safety. We put on many classes and seminars on boating safety and related subjects, conduct vessel safety checks, and assist boaters who are in trouble when we are out on the waters of the Salish Sea. NOAA would earn our support by revising your proposed vessel regulations in accordance with the comments I have summarized above.

Subject: RE: Whale Watching Regulation Changes
From: "Cindy Benson" <cindyb@gmnameplate.com>
Date: Fri, 18 Sep 2009 08:32:37 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

To NOAA:

I support Clipper Navigation and Five Star Whale Watching and their position on observing the orca whale population as outlined below. The experience that my husband Carl and I had this past summer was truly breath-taking in being able to watch the whales from a distance that was safe for them and ourselves while allowing us to peek into their world.

The crew's expertise and knowledge also contributed so much to our understanding of the whales and the need to protect them. As noted below if the viewing distance is doubled, people won't be as able to form a connection with the whales and will lose interest in their welfare. I believe that Clipper and Five Star are providing a valuable service and they need to keep on educating the public to protect the whales, at the current allowable distances. Thank you for your consideration.

Sincerely,

CINDY BENSON | QUALITY TECHNICIAN
P | 206.284.2200 EXT. 6182 F | 206.284.3705
E | cindyb@gmnameplate.com W | gmnameplate.com

GM NAMEPLATE, 2040 15TH AVE W, SEATTLE WA 98119-2783
inspiration | innovation | implementation

From: Clipper Navigation [mailto:orca.watch@victoriaclipper.com]
Sent: Wednesday, September 09, 2009 2:10 PM
To: Cindy Benson
Subject: Whale Watching Regulation Changes

To Our Valued Customers:

Clipper Navigation thanks you for taking a whalewatching cruise on Five Star Charters this summer. As you experienced, they operate in a way to safeguard the killer whales they view, "standing off" at least 100 yards from them. Now we are asking for your help. Without your immediate public input to the U.S. Federal Government, commercial whale watching vessels will have to "stand off" so far from killer whales that the viewing experience for members of the public will be dramatically degraded.

The National Oceanic and Atmospheric Administration (NOAA) has proposed rules which would prohibit vessels in Puget Sound from approaching any killer whale closer than 200 yards and forbid vessels from intercepting or parking in the path of a whale. In addition, the proposed regulations would set up a half-mile "no-go" zone along the west side of San Juan

Island from May 1 through the end of September, where generally no vessels (commercial or recreational) would be allowed.

Clipper and Five Star Charters are members of the Pacific Whale Watching Association (PWWA). Our Association does not believe the current science supports doubling the distance from all killer whales from 100 yards to 200 yards. The PWWA also believes that the current quarter mile voluntary zone along San Juan Island and the half mile bubble around Lime Kiln Lighthouse has worked well and supports making this a boat free zone when whales are present year round. PWWA adamantly disagrees with the proposed half mile boat free zone from May 1st through September (even when whales are not in the area).

There is currently a state law that prohibits vessels from being closer than 100 yards from Southern Resident Killer Whales. This law has worked well, and PWWA continues to support the Washington State law, and feels that Washington State, the U.S. Federal Government, and Canadian Government should have common regulations to protect Southern Resident Killer Whales (SRKWs).

Under these existing laws and guidelines, the number of Southern Resident Killer Whales has been increasing for many years. There are more SRKWs today than there were ten (10) years ago. Doubling the viewing distance from these animals would be equivalent to cutting the speed limit on an interstate highway to 35 mph. That's how dramatic NOAA's proposal is. We all want to be precautionary, and feel that the existing laws and guidelines are doing exactly that.

PWWA has recognized a quarter mile zone from Mitchell point to Eagle Point along the west shore of San Juan Island for many years. PWWA has also recognized a half mile bubble around Lime Kiln Lighthouse in respect for shoreline viewers. There has not been any change in the traditional travel patterns of Southern Resident Orcas before or after the quarter mile zone was made a part of our guidelines. To change the distance to a half mile makes no sense to the commercial whale watch industry, general public, or the whales. We believe that the further away you get from the whales, the more difficult it is for that personal interaction that assists in creating more advocates for the whales. The increased public awareness has developed in part from the educational aspects of the whale watching experience.

The educational benefit to the general public from the whale watching industry has been well documented. Doubling the viewing distance would dramatically impact the effectiveness of this education.

We are hopeful that you had a favorable experience on your Marine Sea Life and Whale Watching excursion aboard the Five Star Charters vessel. We hope that you found it to be a valuable and positive educational experience. We would appreciate your support of the following recommendations in response to NOAA's proposed rules:

• Maintain 100 yards from SRKWs
• Codify the one quarter (1/4) mile off San Juan Island from Mitchell Pt. to Eagle Pt. and one half (1/2) mile bubble from Lime Kiln Lighthouse when SRKWs are present.

NOAA needs to hear from hundreds of satisfied whalewatching customers that the 100-yard viewing distance should be maintained, not doubled. Your comment does not need to be

long or complicated, but it is important that you submit one. The commercial whalewatching operators themselves will not be able to convince NOAA without the intervention of our customers. Please send your support and/or comments to NOAA c/o orca.watch@victoriaclipper.com. Comments must be received by October 27, 2009.

Thank you in advance for any support you can provide.

If you no longer wish to receive these emails, or you wish to update your profile, please click here.

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viewing distance.eml

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Whale Watching.eml

Re: Whale Watching Regulation Changes.eml

Whale Watching Tours legislation.eml

Subject: Whale Watching Tours legislation
From: "L Cucuzza" <lilcucuzza@yahoo.com>
Date: Mon, 31 Aug 2009 17:28:02 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

To Whom It May Concern:

I support the following recommendations in response to NOAA's proposed rules:

- Maintain 100 yards from SRKWs
- Codify the one quarter (1/4) mile off San Juan Island from Mitchell Pt. to Eagle Pt. and one half (1/2) mile bubble from Lime Kiln Lighthouse when SRKWs are present.

My husband and I really enjoyed our whale watching tour experience in 2007, even though we were still quite a distance away (we felt a lot of the smaller boats were too close because they were right in the middle of the pod). It was breathtaking to watch 3 pods of whales (about 60) converge all at one time during our visit. My photos don't do it justice, but the memory will linger forever. We have become Killer Whale lovers as a result, even dedicating our living room to the Pacific Northwest with special paintings of these incredible creatures. Without these whale watching tours, we would never have come to appreciate the incredible beauty of these magnificent creatures!

Sincerely,

Lillian & Dave Cucuzza
7710 NW 23 Street
Margate, FL 33063

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Subject:
From: nathan brandow <nbbrandow@hotmail.com>
Date: Thu, 03 Sep 2009 07:37:38 -0700
To: NWR.WebContent@noaa.gov

The propased regulation seam to offer little additional protection for Orca.
Your focous on vessel traffic has little scientific support.
Orca are starving vessel regulations does nothing to prevent this.
Why not focous on fish and water quality?
Vessel regualation is a politically convienient focous. An easy samll problem with a cheap and simple solution. The real problem are much harder and more expensive. Why don't you use you limited resources to combat them?
Why all whales? Why not just SRKW.. Why 200 yards there is no scientific reason for this distance.
Whales popluation since the 70's is up? Why know?

Hotmail® is up to 70% faster. Now good news travels really fast. Try it now.

Subject: NOAA Regulation change
From: Steven Foster <Steven.Foster@RaymondJames.com>
Date: Thu, 24 Sep 2009 10:46:14 -0400
To: Orca.Plan@noaa.gov

NOAA's proposed vessel regulations

NOAA has proposed a number of regulations, the intent of which are to protect killer whales in Washington State from the effects of various vessel activities. Specifically, the proposed regulations would among other things require vessels to maintain a distance of at least 200 yards from the nearest whale and would prohibit vessel activity of any kind in a one-half mile "no-go" zone between Cattle Point and Henry Island.

These changes will have a major impact on whale watching, angling, kayaking, boat charters and other recreational water activities. I am opposed to these restrictions for a number of reasons.

First from my readings, it appears the current orca pod that these regulations is intended to protect is actually increasing. There is no study showing that the current regulations are not working thus, needing to be more restrictive.

Second, where the new 200 yard limit may be acceptable, the half mile "no-go" zone is totally not workable. I would estimate that 99% of all boating and recreational activity is within a half mile of shore in this area. This regulation would shut down all activity on the west side of San Juan Island. I have been through that area a number of times without seeing any whales. To close the area to use even when the whales are not there is excessive. There is also a safety issue. Weather can change in that area very quickly. this restricting would make safe harbors even further away. It would stop all fishing and kayaking in the area since "all" if that activity is done within the no-go zone. Kayaking is an "along shore" activity and also would be very unsafe if required to be a half mile from shore.

Finally, there is a lot of economic impact that I will not discuss but I am sure that it is in the millions. My main concern is that this restriction puts undo pressure on recreational activities without much proof or any proof that it will have a positive effect on the whales or improve their habitat.

Thus, again, I am opposed to these regulation changes.

Respectfully submitted,

Steven R. Foster

Steven R. Foster, LUTCF
Branch Manager | Financial Planner
Raymond James Financial Services, Inc.
Member FINRA/SIPC
240 East Tudor Rd. Suite 105 | Anchorage, AK 99503
907-561-4400 • 907-561-4438 direct
907-561-4401 Fax
Steven.Foster@Raymondjames.com
www.RaymondJames.com/Anchorage
Satellite Office: 2411 33rd Street, Anacortes, WA 98221

Phone: 360-293-4408; Cell: 360-333-8538; Fax: 866-954-9611
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If you would like to execute a trade or if you have time-sensitive information for me, please call my office at 907-561-4400 or 907-561-4438 direct.

Subject: public comment
From: Andrew Reding <aareding@gmail.com>
Date: Thu, 24 Sep 2009 06:41:09 -0700
To: Orca.Plan@noaa.gov

To whom it may concern:

I favor NOAA's scenario No. 1, a 100-yard zone from all whales and 1/4 mile zone off the San Juan Islands, when whales are present.

Scenario No. 2, with double those distances, is unnecessarily strict. The best scientific information currently available indicates that water pollution combined with bioaccumulation that concentrates residues up the food chain is by far the greatest threat to our orca populations.

On the other hand, whale watching not only offers significant economic opportunities tied to preservation, but also helps build public support for preservation.

Andrew Reding
4360 San Juan Ave
Port Townsend WA 98368

Subject: against proposed chg
From: "Lynne & Tim Denehy" <r_last_1@yahoo.com>
Date: Mon, 31 Aug 2009 16:17:43 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

My family was so fortunate to be able to Whale Watch during the summer or 07. It truly was a spiritual and moving experience. Undoubtably one of the most powerfully moving experiences in nature of my life. Pls do not change the rules - that would increase distance from the whales. Our guides were very respectful to maintain distance and protect the whales already. By seeing them, as I have, I am now dedicated to their protection, so much more than before I saw them. Give others the same opportunity to see them - and they too will become staunch supporters of wildlife. Again - pls do NOT change the current guidelines.

Lynne Denehy, Prosper TX

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RE: Whale Watching Regulation Changes.eml

Subject: orca watching laws
From: "Paul Deeming" <pauldeeming@comcast.net>
Date: Sat, 12 Sep 2009 10:31:17 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

I support the current law which establishes a 100 yd. distance from ship to whale. I think this is plenty far away to not harass them and yet afford a reasonable view of the whales. If the law were to be changed to 200 yds. it wouldnt' be worth going whale watching at all. I'm all for protecting the whales but this new change would not be necessary.

Paul Deeming
Eagan, MN, USA

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RE: Whale Watching Regulation Changes.eml

Re: Whale Watching Regulation Changes.eml

Subject: viewing distance
From: "Chas Werner" <chas@formulacorp.com>
Date: Mon, 31 Aug 2009 16:05:30 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

Dear Clipper,

I believe that any increasing the stand off distance would ruin the viewing experience for members of the public. I believe that the current restrictions on commercial and recreational boats in the current distances are satisfactory.

In addition, the proposed half-mile "no-go" zone along the west side of San Juan Island from May 1 through the end of September, where generally no vessels (commercial or recreational) would be allowed will be ruinous for the all whale watchers – there aren't many people out watching between October and April –so they have attacked the bulk of the watching opportunity.

I support of the following recommendations in response to NOAA's proposed rules:

• Maintain 100 yards from SRKWs
• Codify the one quarter (1/4) mile off San Juan Island from Mitchell Pt. to Eagle Pt. and one half (1/2) mile bubble from Lime Kiln Lighthouse when SRKWs are present.

Regards,

Chas Werner
President
Formula Corporation
4432 C Street NE - Auburn, WA 98002
(253) 880-0170 Ext: 211 - Fax: (253) 880-0185
www.formulacorp.com - mailto:chas@formulacorp.com

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Subject: Whale Watching
From: "Baber, Betty" <BETTY.BABER@tenethealth.com>
Date: Tue, 1 Sep 2009 14:11:11 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

I agree that the current standards below need not be changed.

> Maintain 100 yards from SRKWs
> Codify the one quarter (1/4) mile off San Juan Island from Mitchell Pt. to Eagle Pt. and one half (1/2) mile bubble from Lime Kiln Lighthouse when SRKWs are present.

We saw only one whale while on our cruise and although it was only one, we enjoyed watching it play around. If the law is increased to 200 feet you will not be able to see the whale(s) clearly. I'm a true animal lover and believe humans and animals should live in harmony. It does not seem that the 100 ft distance has caused any harm to the whales.

Betty Baber Kinsey

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Whale Watching.eml

Subject: Whale Watching
From: "Russ Bishop" <online@rabtech.net>
Date: Mon, 31 Aug 2009 15:56:39 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

Going on a whale watching tour on the Victoria Clipper III was a fantastic experience that heightened our education and made us advocates for the whales. Please DO NOT double the required distance from the whales. 100 yards should be maintained as the distance, as well as leaving the "no go" zone at 1/4 mile off San Juan Island.

Thank You.

Russ Bishop
MCSD.NET, MCAD.NET, MCDBA, MCP #2108914
online@rabtech.net

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Whale Watching.eml

RE: Whale Watching Regulation Changes.eml

Subject: Orca Plan
From: T McNeil <tmcneil@wavecable.com>
Date: Tue, 22 Sep 2009 15:20:03 -0700
To: Orca.Plan@noaa.gov

100 yards is plenty far away. The Orcas are not afraid of people or boats. If no one chases or actually harasses them, there is no problem. The people fishing along San Juan Island don't bother Orcas either. To ban boats within a half mile of San Juan Island is ridiculous.

Terry McNeil
16750 Warren Street
LaConner, WA 98257

Subject: Proposed Whale Watching Rule Changes
From: Lori Thompson <lthompson@victoriaclipper.com>
Date: Wed, 23 Sep 2009 08:48:41 -0700
To: Orca.Plan@noaa.gov

Attached please find letters and comments from some of our passengers who have participated in our Whale Watching and Sea Life cruises, who are in support of maintaining the current regulations with regard to viewing distances.

Lori Thompson
Executive Assistant to the President & CEO
Phone: 206.443.2560 x3318
2701 Alaskan Way, Pier 69 | Seattle, WA 98121-1199
Fax: 206.443.2583 • Reservations: 800.888.2535
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Subject:
From: "Jammie Evans" <jammie29@comcast.net>
Date: Sun, 6 Sep 2009 09:19:25 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

The viewing distance currently being used is great and the clipper boating fleet are very responsible and not disturbing the whales. The time we went there was another whale watching boat that was closer then they should have been it was in a smaller boat not sure who the boating company was. If any thing the smaller whale watching boating company's need to be monitored better.

Thank You
Jammie Evans

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against proposed chg.eml

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orca watching laws.eml

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viewing distance.eml

Whale Watching.eml

Whale Watching.eml

RE: Whale Watching Regulation Changes.eml

Re: Whale Watching Regulation Changes.eml

Whale Watching Tours legislation.eml

Subject:
From: "Patrick Ziemer" <PZiemer@apibhs.com>
Date: Mon, 31 Aug 2009 17:21:21 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

In July 2008 I had the privilege of going on a Marine Sea Life and Whale Watching excursion aboard the "Victoria Clipper III." The trip far exceeded my expectations, in part because of the knowledgeable naturalist onboard who guided the excursion and promoted public awareness. I was impressed by their commitment to preservation and protection of the whales.

As a resident of San Diego, I've long supported the conservation, rescue and protection efforts of Sea World but, seeing the Marine Sea Life and the Southern Resident Orcas in the Puget Sound renewed in me a commitment to preserving the natural habitat of these magnificent animals.

Increased public awareness has developed in part from the educational aspects of the whale aching experience. Doubling the viewing distance would dramatically impact the effectiveness of this education and would ultimately result in a decrease in ongoing public awareness and advocacy for the Marine Sea Life in the Puget Sound.

I am in support of the following in response to NOAA's proposed rules:

- Maintain 100 yards from SRKWs
- Codify the one quarter (1/4) mile off San Juan Island from Mitchell Pt. to Eagle Pt. and one half (1/2) mile bubble from Lime Kiln Lighthouse when SRKWs are present.

Patrick C. Ziemer
Chief Executive Officer
Alvarado Parkway Institute Behavioral Health System

Phone: (619) 667-6062
Fax: (619) 667-6036
E-Mail pziemer@apibhs.com

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Subject:
From: "Corinne Bradley" <c0rinne@yahoo.com>
Date: Mon, 31 Aug 2009 19:58:02 -0700
To: "Orca Watch" <orca.watch@victoriaclipper.com>

To Whom It May Concern:

I am in support of maintaining the 100 yard viewing distance from SRKWs. I took a tour on the Victoria Clipper two years ago. We were able to view whales from a close enough distance that we could really engage with them and observe their behavior. At the same time, the staff members on the Victoria Clipper were very respectful of the whales and did not crowd their space. Staff of the Victoria Clipper were passionate advocates of the whales and provided a lot of educational information in regards to the pods we encountered. The experience was valuable and increased my awareness of whales and their behaviour.

Best regards,
Corinne Bradley
2010 W Concord Pl
Chicago, IL 60647
847-331-6859

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faint_grain.jpg

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against proposed chg.eml

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orca watching laws.eml

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viewing distance.eml

Whale Watching.eml

Whale Watching.eml

RE: Whale Watching Regulation Changes.eml

Subject: Plan Comments
From: joye bucklin <bucklj@comcast.net>
Date: Fri, 15 Jan 2010 23:15:54 -0800
To: Orca.Plan@noaa.gov

It is my position that we should not be restricting access to this area until and unless we have exhausted all other alternatives.

We also need to ensure that regulations are as simple as possible to encourage the highest possible compliance. Confusing and difficult to assess regulations (e.g. stay 100 yards, 150 yards or 440 yards away……all difficult to determine on the water) could easily result in unintended "violations" and citations from over zealous marine patrols.

Yet, a common thread is for more enforcement. With that I agree but with the caveat that it should be to shepherd the orcas rather than sit back and wait for inadvertent violations to occur and then write them up.

My personal experience is that orcas have been habituated to a degree (have you seen the video of the orca taking a hooked salmon at boat side in Alaska?) and will navigate around vessels operating at slow speeds (fishing). I have had porpoise actively feeding around me while fishing in Puget Sound and believe that orcas exhibit the same willingness and ability to feed in similar proximity.

Laurence A. Bucklin

Subject: Recovery Plan
From: peter ancich <peteanderin@hotmail.com>
Date: Wed, 16 Sep 2009 20:05:21 +0000
To: Orca.Plan@noaa.gov

Please reconsider the current proposed recovery plan for the SRKW. There is not enough money to 'police' the westside of San Juan Island, there is certainly not any true science to support the 'reasoning' behind this plan and by creating a 1/2 mile 'no-go zone' for all boats (motor or non-motor), this will be a danger to paddlers and smaller paddle boats who choose to go on the westside of the island. Moreover, placing a 200 yard buffer on all vessels when around the orcas is not going to keep them alive. Salmon restoration and pollution in the Sound is where your focus needs to be. Please reconsider your recover plan. Thank you. Erin Ancich, San Juan Island.

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Subject: Regulations on Vessel Effects - Southern Resident Orcas
From: Carole May <carole@carolemay.com>
Date: Thu, 17 Sep 2009 14:49:33 -0700
To: Orca.Plan@noaa.gov

With regard to the proposed new NOAA regulations - After spending Memorial Day weekend at Lime Kiln Park for many hours, I feel that a big part of the problem is the lack of funds to enforce the regulations we have at present. I was actually standing on the rocks yelling and waving at the boats that were coming too close to the Southern Resident Orcas. These were pleasure boats, not whale watch boats. I know Soundwatch didn't have the funds to be able to be out there until mid-June. On this long holiday weekend, there was no one out there protecting the orcas.

In my opinion, one of the things NOAA should consider is that all whale watch boats, kayak companies, etc. would have to pay a license fee to operate. This could be based on the size of the boat and/or it's capacity of how many people it could hold. Thus larger boats would pay more than smaller ones. Also, boats from across the border would pay a non-resident fee to operate in US waters. This money would be channelled into Soundwatch, Fish & Wildlife, and NOAA for the specific purpose of enforcing the present regulations and making sure the boats stay far enough away. When I've been out on a boat, the orcas are more often than not more than 100 feet away, unless they choose to come closer. I have seen a few zodiacs go too close, and they should be fined. And if the same company frequently breaks the rules, their license to operate should be suspended. I was, quite frankly, surprised when I recently found out that the whale watch boats do not have to pay a license fee to operate. Even if NOAA changes the regulations, there will still be a problem of enforcement. And I think that needs to be addressed first. Laws are no good unless there is someone there who can ticket boats on the spot.

The one change I would make in the present regulations is that all boats, regardless of size, would have to be shut down when in the presence of the orcas. This would cut down on the noise they are exposed to.

I also want to add that I've been out on a number of different whale watch boats and not once has the captain done anything to harass the orcas. Yes, I've seen photos that purport to show this happening. In fact, I even saw a photo where the captain was being accused of breaking the rules. I was on that boat that day, and the boat in no way harassed the orcas. We were idling when they came up to us. Photos can be manipulated to show whatever the photographer wants them to show given the angle of the shot, but I can assure you if that captain had broken the rules I would have been the first one at his wheelhouse to call him on it and I would have reported him. I have been on that boat numerous times since moving to Bellingham and not once has the captain broken the rules when I have been aboard.

The bigger problem is the lack of salmon. Until something is done about the overfishing of the salmon, it won't matter what the NOAA regulations are. If they can't find something to eat here, they will go elsewhere and we will lost them from our midst. There should be quotas here the way Alaskan fishermen have quotas as to how much crab they can catch. The salmon problem is what needs to addressed first.

Oh, and it would also be nice if NOAA stopped referring to our Southern Resident Orcas as killer whales. Their proper name is Orcinus Orca, not killer whale.

Regards,

Carole May

Puget Sound Marine Life Examiner
http://carolemay.com/examiner

Whales And Sails, Etc.
http://WhalesAndSails.com

Subject: Opposed
From: Jon Lindhout <jc@boondocksboats.com>
Date: Sat, 19 Sep 2009 12:09:58 -0700
To: Orca.Plan@noaa.gov

To whom it may concern,

The below mentioned proposal is one of the most absurd proposals I have ever witnessed. As a business owner in the marine industry and sport fisherman I would ask that you reconsider this plan. The current regulations are more than adequate in protecting these whales. Focus on enforcement of the current rules and regulations and the whales will be perfectly protected. The repercussions of implementing this plan and what it will do to the boating industry as a whole are much to large. Time to go back to the drawing board folks, you are out of line this time round.

Regards,

Jon Lindhout

The proposed rules would prohibit vessels from approaching any killer whale closer than 200 yards and forbid vessels from intercepting or parking in the path of a whale. In addition, the proposed regulations would set up a half-mile-wide no-go zone along the west side of San Juan Island from May 1 through the end of September where generally no vessels would be allowed.

"The idea here is to give these remarkable animals even more real, meaningful protection," said Barry Thom, acting head of the agency's Northwest regional office. "Without it, we would undercut the hard work we are all doing to recover the species by improving the sound's water quality and recovering salmon, the killer whale's primary food."

The fisheries agency said there would be exemptions to the rules for some vessels, including those actively fishing commercially, cargo vessels travelling in established shipping lanes, and government and research vessels. The no-go zone would also have limited exceptions for land owners accessing private property adjacent to it.

Jon Lindhout - President,
BoonDocks Boats & Motors Inc.
W: 360-671-3820
F: 360-671-3822
www.boondocksboats.com

Subject: Orca Plan Comments
From: ROBERT H MOTTRAM <bobmottram@msn.com>
Date: Tue, 22 Sep 2009 11:48:51 -0700
To: Orca.Plan@noaa.gov

Gentlemen:

I am writing to object to your proposal to close a large area of water off the west coast of San Juan Island in Washington state to sportfishing boats beginning in 2010 in order to protect Orcas.

I live in Anacortes and fish in that area in the summers, and believe such a regulation is unnecessary for Orca protection. On many occasions I have been in a boat off the west coast of the island, in the company of other fishing boats, most of which were drifting or were trolling at a speed of 2 or 3 miles an hour (a common trolling speed when salmon angling). Often I have seen a traveling pod of Orcas pass right among the boats, entirely of their own volition. These were whales that had the choice of either approaching or avoiding stationary or near-stationary sportfishing boats, and chose not to avoid them but to approach them.

If your agency is convinced that some regulation in that area is necessary, I suggest that instead of closing the area to sport fishermen and others it impose a speed limit within half a mile of the beach. A maximum limit of five miles per hour would allow boaters ingress and egress but make it impossible for them to pursue Orcas or to harass them. This would put the ball entirely in the Orcas' court, giving them total control over how close they felt comfortable approaching small craft. My own experience is that the Orcas display no discomfort whatsoever.

They are, after all, the largest predator in the world; the largest carnivore on the planet, and probably the fiercest. They are not timid creatures, and we should not promulgate regulations as though they are. We are focusing on the wrong target here. If the government wishes to do something that will REALLY help Orcas AND salmon AND salmon anglers, it will reduce and then eliminate contamination of the Orcas' marine environment by chemical pollution.

Sincerely,
Robert H. Mottram
http://www.rvacrosstheusa.com

Subject: [Fwd: Fw: SB&BA Members - The Whale Watching Industry Needs Your Help! Please Sign Attached Petition]
From: info@princeofwhales.com
Date: Fri, 15 Jan 2010 17:48:51 -0800 (PST)
To: Orca.Plan@noaa.gov

---------- Original Message ----------
Subject: Fw: SB&BA Members - The Whale Watching Industry Needs Your Help! Please Sign Attached Petition
From: "Whiffinspit Lodge" <info@whiffinspitlodge.com>
Date: Fri, January 15, 2010 4:50 pm
To: info@princeofwhales.com

Prince of Whales Needs Your Help! Please Sign Attached PetitionGood Afternoon to the Prince of Whales,

I just wanted to let you know that I forwarded on your petition request to the members of the Sooke B&B Association yesterday - hopefully some of them took the time to respond. My completed petition letter follows - please pass it on to NOAA. Much appreciated!!

With Kind Regards,
Hosts, Al & Sheila Carter

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WEBSITES & VIRTUAL TOUR: www.whiffinspitlodge.com
www.willowcottagesooke.com

----- Original Message -----
From: Whiffinspit Lodge
To: Malahat Farm B&B ; Whiffin Spit Lodge B&B ; Straitview Ridge ; Sooke Harbour House ; Skookum B&B ; Seascape Inn ; A Point of View ; Arbutus Cove Guesthouse ; Beaches West, Homestead ; Blackfish B&B ; Blue Sky B&B ; Burnside House ; Cape Cod ; Charm 'n Sea ; Coopers Cove Guesthouse ; Dreamings, The Elements ; Eagle Cove Beachfront ; Goose Trail B&B ; Gordon's Beach Farmstay ; Markham House ; Ocean Wilderness Inn ; On the Sea B&B ; Quail's Roost B&B ; Richview House ; Roche Cove Llamas ; Salty Towers Oceanfront ; Moonlit Cove B&B
Sent: Thursday, January 14, 2010 10:55 AM
Subject: SB&BA Members - The Whale Watching Industry Needs Your Help! Please Sign Attached Petition

Good Morning B&B Land,

The following is for your information and action if you are so moved. This concerns the whale watching industry in general and not Prince of Whales specifically - (they are just the messenger) and involves new viewing guidelines proposed by USA Fisheries which could greatly affect local tourism. They need our support and we need all the help we can get to lure tourists to the region. This is a blow to the industry just as good news was reported by Prince of Whales on 06 January that there was a new baby in J-pod (J-47) - the population of J-pod has now reached 28 and that the three resident Pods saw the birth of 6 calves in the past year!

The petition letter you can respond to follows the Prince of Whales letter.

Cheers! Sheila

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
50 CFR Part 224
[Docket No. 070821475-81493-01]
RIN 0648-AV15

Comments on Proposed â€œProtective Regulations for Killer Whales in the Northwest Region
Under the Endangered Species Act and Marine Mammal Protection Actâ€

We are concerned that the proposed changes to the Killer Whale Viewing Regulations will have negative impact on tourist visits to this region. This will be felt throughout the entire tourism community. Guests have told us personally that if the distance we have to keep away from Killer Whales doubles, they will have less interest in going whale watching â€" and our trips will be perceived as having a much lower value.

In this day where travel is relatively easy, potential visitors to our region have many options. In the 2009 season our communities experienced a 10% to 20% reduction in the number of visitors and total per capita spending. It is difficult to support measures that may lead to further reductions in economic activity. The patrons have the option to go elsewhere.

If the evidence was clear that these new regulations would have a positive impact on the whale populations, the ensuing severe economic hardship may be justified. However, after careful analysis of the data it has been concluded by many reputable marine scientists that this is not the case. The Pacific Whale Watch Association (PWWA) has offered viable alternatives that can protect the Southern Resident Killer Whales while maintaining sustainable economic activity.

The viable alternatives are the amendments to the Proposed Regulations that the PWWA has put forward:

â€¢ 1â€¢ "Vessels may not negligently be within 100 meters of Southern Resident Killer Whales in Washington, Oregon, and California, except under special permit issued by NOAA."
â€¢ 2â€¢â€Vessels must avoid the established path of Southern Resident Killer Whales."
â€¢ 3 â€¢ "Vessels must obey a 1/2 mile go-slow zone (7 knots) from Eagle Point to Mitchell Point, along San Juan Island"

We see the need for more salmon habitat restoration and stock enhancement, as this is the biggest threat to the Killer Whale population. We support NOAA/NMFS and WDFW efforts towards recovery of the Chinook salmon runs throughout Washington.

Thank you for this opportunity to comment.
Sincerely

Al & Sheila Carter (Owners)
Whiffin Spit Lodge B&B & Willow Cottage
7031 West Cost Road, Sooke, BC, V0Z 0S4, Canada.
Phone/Fax: 250-642-3041
info@whiffinspitlodge.com

untitled-2	**Content-Type:** text/html **Content-Encoding:** 8BIT

Subject: Orcas and boat distances
From: Libby Smith <alwaysnsync4@hotmail.com>
Date: Mon, 07 Sep 2009 20:59:52 -0400
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

To whom it may concern:

As a frequent whale watcher and a future charter captain, I am greatly disturbed at the possibility that charter boats and the like might soon have to stay 200 yards away from the orcas. However, the same restrictions would not be applied to commercial boats such as tugs. Orca deaths have been caused by boats such as these, not charter boats. Most charter captains do what they do so they can share the beauty of orcas with the general public, and by doing so spread awareness that they should be protected. Every charter captain I've ever traveled with has possessed a genuine love and respect for the orcas, and have dedicated their lives to sharing that with their passengers. In contrast, I'm sure you're aware of the oil spill that took place in the summer of 2007 in the Johnstone Strait area off Northern Vancouver Island. That disaster was not caused by any charter vessel, but a commercial barge that was in the Robson Bight wildlife refuge illegally. Perhaps those in charge should investigate further into the dangers caused by commercial vessels before slapping restrictions on captains who are in no need of them.

Sincerely, Elizabeth Smith
Tampa, FL

Subject: your new proposed rule makes no sense
From: Chris Ives <mynephron@mac.com>
Date: Mon, 07 Sep 2009 19:57:10 -0700
To: Orca.Plan@noaa.gov

I am a frequent visitor to the San Juan Islands. The reason I come there is for the Orca. I cannot understand the logic of your proposed rules for all boats other than fishing boats increasing the distance to 100 Ft. And why are you allowing the fishing boats to continue their usual routine which has to be more disruptive to the Orca than the boat tours or kayakers. I think you have your priorities confused.

I would like to suggest that this proposal be discarded completely. I think you should begin to examine the role that commercial fishing has on the Orca before you consider any other regulations. And when those are considered, perhaps rerouting the commercial fishing boats should be in the plan too.

Thanks for your thoughtful review.

Chris Ives

Subject: Oppose Proposed San Juan Island Boating Restrictions
From: John Kruse <ncwmallard@yahoo.com>
Date: Sat, 12 Sep 2009 20:25:15 -0700 (PDT)
To: Orca.Plan@noaa.gov
CC: tom@fishskagit.com

I would like to state that the proposed rules restricting recreational, fishing and whale watching craft in the San Juan Islands is not well thought out. I don't believe it will really benefit resident Orca whale populations and it will seriously hamper legal - and mostly non-harmful - activities occurring in the waters around the San Juan Islands.

The proposed rules are not based on "science" so much as they are on observation and subjective interpretation. I would hope this rule would not go into effect. Instead - focus your efforts on enforcing rules already in place to limit human - boater interactions.

Thanks for considering this comment -

John Kruse
Wenatchee, Washington USA
Northwestern Outdoors Radio and E-zine
web site: www.northwesternoutdoors.com
e-mail: ncwmallard@yahoo.com

Subject: plan
From: Nathan Brandow <outerislandx@live.com>
Date: Sun, 13 Sep 2009 08:34:33 -0700
To: Orca.Plan@noaa.gov

Your plan is very poor.
What will happen if you remove the whale watch boats. They are the only existing buffer to high speed vessel traffic.
Have you study the potential impact of your plan or just of the vessels impact.
Have you weighed the benefits of existing vessel trffic to the orca over the impact of the type of vessel impact you will have after the plan takes effect obviously not.
This plan is reactionary and not well thought out. You will make political gains only.

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Subject: Proposed Protective Regulations for Killer Whales in the Northwest Region under the Endangered
From: Tom Weston <westontc@comcast.net>
Date: Sun, 10 Jan 2010 16:18:09 -0600
To: "Ms. Donna Darm" <Orca.Plan@noaa.gov>

Ms. Darm

I am writing you as a member of Coastal Conservation Association (CCA) Washington, as well as a strong supporter of marine conservation efforts and the important contribution recreational anglers make to the local economy and the stewardship of Puget Sound's marine resources.

The proposed "No Go" zone along the west side of San Juan Island is flawed in several key areas. First, the proposed closure area arbitrarily includes several types of vessels, including recreational anglers, while exempting other types of vessels from the regulations. No specific scientific research has been presented indicating that recreational fishing vessels are impacting killer whale populations or that vessels exempted from the proposed restrictions are not impacting killer whale populations.

The proposed regulations would have a significant impact on recreational fishing along the west side of San Juan Island, which is a popular destination for anglers throughout Puget Sound. Additionally, increased emphasis should be placed on enforcement, education and monitoring efforts surrounding the current 100-yard approach regulation (RCW 77.15.140) and the proposed restriction prohibiting vessels parking within 400 yards in a whale's path.

I support the need to restore local killer whale populations and appreciate this opportunity to comment on NOAA's proposed regulations.

Sincerely,

Tom Weston
8705 Fenwick Loop SE
Lacey, WA 98513

Subject: San Juan Island "no go" plan
From: SEAKAMP@aol.com
Date: Sat, 10 Oct 2009 23:41:33 -0400 (EDT)
To: Orca.Plan@noaa.gov

We respectfully request it not be implemented. We have been out there for 45 years and have not seen that recreational fisherman ever bother the whales.
Clark/kathy Bergman

Email to orca.plan@noaa.gov

This is in response to an article in the Skagit Valley Herald on Saturday, September 26, 2009.

Our family fished the western shoreline of San Juan Island on Thursday September 3 and Friday September 4 in our 25' pleasure craft. Both days, the Orcas approached the area in which we were fishing. We did not go towards the Orcas or attempt in any way to disturb them, they came to us.

We first became aware of their presence when we sighted several larger boats (later identified as Whale Watching Boats) quite a long ways from where we were fishing. It was the red zodiacs from these boats that first caught our attention. Once the zodiacs began zooming around, we also noticed the waterspouts from the whales.

We continued fishing in the same pattern as we had been all morning. We did not increase speed, noise or direction. Several of the whales continued to swim towards the area where dozens of sport fishing boats were trying to catch salmon while avoiding the gill-netters who continuously set their nets in front of us, forcing the sport fishing boats to change path. Again, neither the sport fishing boats or the commercial boats were disturbing the whales. If it hadn't been that the movement by the zodiacs caught our attention, we would not have even noticed the whales until they swam right through the fishing boats. We all continued fishing on the same path and the whales passed through. The Orcas were not harassed, not pursued, and engine noise was not increased by those fishing along the western shoreline of San Juan Island.

From our viewpoint, the zodiacs were running with the whales. The fishing boats do not want to be close to the whales – it's the whale watchers that track and pursue the whales – not the sport fishing boats. With the proposed exemption of tribal fisheries – how much are the tribes contributing to the endangerment? Is it the fishing boats that are the problem or is there just not enough salmon for the whales?

We do not dispute that the whales are endangered. We strongly dispute the federal proposal to banning recreational fishing on the west side of San Juan Island. We have witnessed no reason why or how the proposed fishing ban would protect the whales.

Bob and Rayna Moe
Rob Moe
Jonathan Belcourt
Bow, WA

Subject: proposed regulation change
From: Anna Hall <annahall@shaw.ca>
Date: Fri, 15 Jan 2010 16:42:45 -0800
To: Orca.Plan@noaa.gov

To Whom it May Concern,
It is my opinion that the spirit under which the proposed regulation changes have been developed is in the best interest of the southern resident killer whales. However, with my experience on the water and knowledge of the currently available relevant science, the proposed changes are neither supported by the science or will serve to offer a substantive conservation change to the southern residents.

I ask NOAA to sincerely consider the slow-go zone proposed by the Pacific Whale Watch Association as an alternative to the no-go zone currently proposed. I also ask that NOAA reconsider the 200m no-go zone around each whale as it does not appear to be supported by the available science and it will devalue all of the efforts on both sides of the border related to the Be Whale Wise program. Furthermore, in light of the direct correlations found between the Chinook salmon abundance and southern (and northern) resident killer whale abundance (with a recognised 2-3 year lag) to support concerted efforts to improve both the quantity and quality of this critical food source for these animals. Please continue to work to educate the recreational boating public on the regulations and guidelines pertaining to vessel operation in the vicinity of southern resident killer whales, as it has become clear that this is where the educational levels are lowest.

As a marine scientist and whale watch captain, the conservation of these animals is paramount to me, and I ask that any upcoming changes be done with the conservation of these animals at heart. Please ensure that any changes are applied equally to all sectors of the boating community so that the effects to the killer whales are continuous throughout their inland Washington waters range.

Thank you for your efforts to protect these unique cetaceans.

Kindest regards,
Anna Hall

Anna Hall, PhD candidate
Marine Mammal Research Unit
University of British Columbia

Subject: Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act
From: Barbara Sherrill <barb@kayakacademy.com>
Date: Fri, 15 Jan 2010 17:15:02 -0800
To: Orca.Plan@noaa.gov

Hello,

I am opposed to the proposed regulation because the research on the cause of toxity in the whales is not complete.
Also, I do not believe sea kayakers should be included in the regulation.

Thanks,

Barbara

Barbara Gronseth,*Retail/Office Manager(formerly B Sherrill)*
11801 188th Ave SE Issaquah WA 98027
Tollfree:866.306.1825;Ph:206.527.1825;Fax: 425.235.2257
"The elite school for kayakers since 1991"
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Subject: No new legislation
From: "Sleno, Deborah (EMP)" <Deborah.Sleno@Fairmont.com>
Date: Fri, 04 Sep 2009 11:54:43 -0400
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

Good day,

Being a member of the Tourism Industry I am opposing the proposed rules which would prohibit vessels in Puget Sound & the Salish Sea from approaching any killer whale closer than 200 yards and forbid vessels from intercepting or parking in the path of a whale. As well as, the proposed regulations which would set up a half-mile "no-go" zone along the west side of San Juan Island from May 1 through the end of September, where generally no vessels (commercial or recreational) would be allowed.

The reason for my opposition is that my guests would not be getting the marine wildlife experience that they have come to expect and enjoy in Victoria, Vancouver Island and surrounding areas. At a time when the tourism industry is threatened by the looming HST, economics and pandemics we need to entice people to travel to our region and spend their dollars in order to boost our economy.

Thank you,

Deborah Sleno
Concierge Desk
Member Les Clefs d'Or
The Fairmont Empress

Tel +1 250 995 3625
Fax +1 250 381 4334
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Subject: NMFS orca closure area
From: skiptina@comcast.net
Date: Thu, 07 Jan 2010 19:53:02 +0000 (UTC)
To: Orca.Plan@noaa.gov

My name is Norman Anderson. Upon graduation from Central Washington State College in 1975, I started commercial salmon fishing in Puget Sound. Almost every summer since that time I have either crewed, operated or owned a vessel that has salmon purse seined fished in the area now being proposed for closure by NOAA. NOT ONE TIME has there been an incident where an orca has been in 'conflict' with our boat or any other vessel of where I was fishing. The proposed closed area is my major area of operation of which I derive a large portion of my annual income.Recently, over the past nine years,WDFW has implemented an observer program that monitors the purse seine fishery in Puget Sound. Wdfw observers can attest to our not doing harm to the
orca
Due to smaller runs of Fraser River sockeye and pink salmon runs, purse seine and gillnet fishermen get very few days to fish and earn their living. Taking away what I believe and the most productive salmon fishing grounds on the west coast wou;ld be devastating to the purse seine fishery. To think we could harvest those salmon elsewhere would be dead wrong. Tidal currents school these salmon up in this area to make harvesting very productive. I have tried numerous times to catch salmon before and after they move into the proposed closure area to no avail. Commercial salmon purse seining has taken place in the proposed closure area since the early nineteen hundreds. It is a safe, clean live capture salmon that can live release the bycatch of chinook salmon during the sockeye and pink fishery.

Norman Anderson
620 West Lake Samish
Bellingham, WA 98229
skiptina@comcast.net

Subject: Regarding the proposed rule changes for the Southern Resident Killer Whales
From: San Juan Safaris-Whale Watching Wildlife Tours FUN! <fun@sanjuansafaris.com>
Date: Thu, 07 Jan 2010 14:51:38 -0800
To: NOAA Orca Recovery Plan <Orca.Plan@noaa.gov>

I may have sent this to you, but I could not find and evidence that I did, so am now sending. Apologies for any duplication. Colleen Johansen

December 14, 2009
Regarding the proposed rule changes for the Southern Resident Killer Whales

I am writing one more letter to express my opinion against moving whale watch operators back to 200 yards. I am also against closing the west side of San Juan Island May to September to all boat traffic.

Whale watch operators educate over 500,000 people every year about the orca whales. We have a history of guideline development, we are willing to assist in research and we are political advocates for the orca. We provide a sustainable economic component, to our local economies and we monitor boat activity around the whales when enforcement is not on the water. The resident orca are boat savy. For over 100 years they have not only survived, but thrived in boat-active waters as long as the salmon were present to sustain them.

There is still no proof that boats have any negative effect on their lives. The precautionary principle, to stay 100 yards away, has been applied by state law. The 'no go foraging zone' on the west side of San Juan Island was also put in place as part of the precautionary principle.

If you want more protection make the west side a "*7 knot slow zone*" while whales are present, not a 'no go zone'.

I am of the opinion that with all the money spent on studies, that money could have been better spent by funding an enforcement boat on the water daily during the summer months when the SRKW are traditionally here.

What I consider odd about these new proposed rules is this: Ken Balcomb, Bob Otis and many others feel that our orcas are not affected by respectful viewing. These are experts, yet NOAA seems to be hell-bent on listening to less qualified people.

I ask the people at NOAA to understand that local people in small communities are not uninformed. They are not ignorant. They are blessed with common sense and local knowledge. When they see their individual freedoms, such as sport fishing, boating, whale watching and kayaking arbitrarily being taken from them, they become suspicious, concerned and angry.

It is incumbent on our government at every level to inform and convince our citizens that the good of the community will be justly served by this action. NOAA has failed to provide convincing science and unbiased leadership to bring the citizens to agree on any more regulation.
I strongly recommend that NOAA focus on salmon restoration, which will unite the local communities and best serve the orca.

Bill Wright
Eco Tourism Consultant
www.EcoTourismConsultant.com

Subject: comment on proposed new restrictions
From: Thomas Bigsby <tom.bigsby@verizon.net>
Date: Fri, 08 Jan 2010 10:44:54 -0800
To: Orca.Plan@noaa.gov

I have been active in boating, fishing and scuba diving in the San Juan Islands and , specifically, on the west side of San Juan Island continuously since 1963. I have observed the behavior of Orcas around boats for decades. I have enjoyed many close contact experiences initiated by the Orcas. Your proposed restrictions accomplish no valid purpose or goal. They just create more rules that are very difficult to enforce. While there are some exceptions, common sense already works in this area. Do not create meaningless restrictions just to say you did something.

Tom Bigsby

Subject: enforcement needed
From: San Juan Excursions - Whale and Wildlife Tours <sanjuanex@watchwhales.com>
Date: Sat, 05 Sep 2009 10:42:52 -0700
To: Orca.Plan@noaa.gov

Hello,

I feel that the proposed rules are too extreme. I think that the current guidelines are sufficient, they just need proper enforcement. We don't need to change something that hasn't been given a chance to be successful. I have not seen anywhere in the proposed guidelines or in the recovery plan about how this will help the orcas. We need salmon enhancement and proper enforcement of the current guidelines. Southern Resident Killer Whales have been increasing in numbers with the existing state law. Doubling the viewing distance and creating an unnecessary no-go zone is too extreme. Thank you.

Captain Pete Ancich & Erin Ancich
San Juan Excursions
Voted #1 Best Whale Watching in Western Washington 2009
(360) 378-6636
1-800-80-WHALE
Po Box 2508
Friday Harbor, WA 98250
www.watchwhales.com

Subject: Orca/Vessel Regulations
From: Mike & Mary <mnm@marlinmike.com>
Date: Thu, 14 Jan 2010 10:30:54 -0800
To: Orca.Plan@noaa.gov

January 14, 2010

To: NOAA Fisheries
From: Mike Andersen
Bothell, WA
Re: Orca/Vessel Regulations

I am voicing my opposition to the proposed Orca/Vessel Regulations. I have been interested and concerned about the Orca population for quite awhile now. In fact, I remember when Ted Griffin made his historical purchase of a "killer whale" and brought Namu to Seattle in 1965 – I was 14 then.

For the last two summers I have been fortunate enough to afford a boat and have been spending time with my family (children and grandchildren) whale watching. One of our favorite places is off Lime Kiln Point and other spots along San Juan Island – the area of your proposed vessel restrictions.

It is my opinion that the current restrictions are stringent enough to protect the Orca population. Now I don't have any fancy-smancy statistics to back up what I say, I can only voice my opinion and personal observations. What really is needed is enforcement of the current regulations. I've seen this more than once: I have moved into the zone where there may be several Orca playing, feeding, just mulling around. There usually are several boats in the area, some personal, some commercial – but usually everyone being respectful of the distances being kept from the whales. Then, usually always, a patrol boat approaches and lets us know where the animals are and asks us if we have any questions and gives us a flyer showing the setback rules, etc. TWICE LAST SUMMER a boat out of the blue would be running "hell bent for election" north along the coast of the island – right through the pods area. I know they knew there were whales in the area because of all the other boats. Do you think any of the patrol boats would do anything about it?? NO – maybe they don't have the authority, THEY SHOULD!! They should have their boat impounded in my opinion.

What we usually like to do is move into the area of the boats at slower than trolling speeds and try to determine the travel direction the whales are moving. This becomes somewhat of a game for us. We then run ½ to 1 nautical miles from the location to where we think they are going and then shut off the engines. We don't restart the engines until it is determined the whales changed direction (or didn't go the way we thought) or are way past us. Then, we slowly move out to deeper water at slower than trolling speeds. This is the same that most other boats in the area are doing it – other than the few idiots. They are a minority and it seems with a little authority this problem of disrespecting the Orca population could be taken care of.

Hopefully, a minority of people won't ruin things for a majority of the same. Please put any funding for these proposed regulations toward enforcing what we already have in place.

Mike Andersen & Family
20510 4th AVE SE
Bothell, WA 98012
206 619-9162

Subject: Whale regulations in the San Juans
From: Mary Nash <doctorsoffice@interisland.net>
Date: Thu, 14 Jan 2010 11:26:30 -0800
To: Orca.Plan@noaa.gov

Hello!
I would like to express my view on the new proposed Orca regulations, which is essentially that the current regulations be better enforced before adding new regulations.
Thank you!
Sincerely,
Mary Nash
P.O. Box 736
Friday Harbor, WA 98250
360-378-8865

Subject: Fwd: "Proposed Killer Whale Vessel Regulations"
From: "Webmaster of www.nwr.noaa.gov" <NWR.WebMaster@noaa.gov>
Date: Mon, 11 Jan 2010 08:38:43 -0800
To: janet Sears <Janet.Sears@noaa.gov>

fyi,
Jerry

-------- Original Message --------
Subject:"Proposed Killer Whale Vessel Regulations"
Date: Sun, 10 Jan 2010 10:26:58 -0800
From: Chuck Lappenbusch <chuck.lappenbusch@comcast.net>
To:NWR.WebMaster@noaa.gov
CC:'Congressman Dave Reichert' <representative.reichert@mail.house.gov>, 'Senator Maria Cantwell' <maria.cantwell@cantwell.senate.gov>, greg@sail1.com, 'Senator Patty Murray' <patty.murray@senate.gov>

Dear Director,

I respectfully request that you do NOT approve new Vessel Regulations preventing recreational boating off the west shore of San Juan Island. I can find no scientific evidence that sure a regulation will effectively provide any protection for the Orcas. It appears to me to be a regulation just to be able to say, "NOOA did something". We don't a regulation just to have a regulation to say, "we did something". The "Proposed Killer Whale Vessel Regulations" are meaningless.

Chuck Lappenbusch, Jr.
Cell: 206-419-8586

Subject: Nix the 200-yard restrictions!
From: egle vair <egle@wanware.com>
Date: Thu, 03 Sep 2009 20:24:46 -0700
To: Orca.Plan@noaa.gov

Based on the wonderful stories we've heard from our guests, I would feel the 200-yard limit applied to whale-watching boats would diminish the joy and wonder watchers experience. One group said the whales actually approached their boat and sang to them, last year! Although no other group has been able to say the same this year, the numbers of whales seen this year has left our guests astonished and spiritually uplifted. I can't say future tourists would be inclined to go on an expedition, if binoculars were needed to catch a glimpse of these majestic creatures. Banning the ridiculously huge nets some commercial fishing vessels use would make more sense and same more marine life.....

Subject: Orca plan :)
From: t mariels <tsmoo@hotmail.com>
Date: Wed, 06 Jan 2010 17:40:38 -0800
To: Orca.Plan@noaa.gov

Hello,

My name is Tim Mariels and I've been a regular visitor to the San Juan Islands for the last 18 years. I've been fortunate enough to have quite a few interactions with the Orcas over the years. Mainly while ocean kayaking, although a few from shore, and I think that not letting human powered ocean vessels such as kayaks to be on the West Side of San Juan Islands is a tragedy. I've experience multiple encounters where the whales have gone directly under my boat while fishing for lunch or dinner. Never changing or altering direction or behavior. I have on the other hand witnessed them changing direction when whale watching boats get too close. I think it's understandable to limit how close boats can get but limiting a non-motorized-human-powered kayak seems unnecessary We kayakers want to respectfully appreciate the Orcas from a distance and to actually be a part of the environment. A few corks that emit no noise bobbing in the water won't bother these majestic animals. I think the true issues these Orcas face are more along the line of contaminants such as PCB's that cause cancer and limit their ability to produce offspring. Losing their favorite food source Salmon which have been effected by the losses of estuaries and contaminants as well. Please focus on the real issues that these Orcas face and don't take away the opportunity for them to be appreciated that are natural and unobtrusive.

Thank you for your time and consideration!

Tim Mariels

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10 Jan 2010

Administrator, Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way, NE.
Seattle, WA 98115.

Comments on FR74, No. 144 Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and the Marine Mammal Protection Act, 50CFR Part 224.

Dear Administrator:

"(59 FR 34270). The intent of the peer review policy is to ensure listings are based on the best scientific and commercial data available." Is this true?

Sixty-four references are presented in justification of the proposed regulations FR74, No. 144, including completely irrelevant citations (>50%), rants by activists, un-reviewed publications, and make-believe scenarios put forth by the FR drafters and some "researchers" that are simply mendacious, and have no business being utilized as justification for federal law. If only for that reason, I strongly recommend "no action" on the proposed vessel regulations.

But, I also have a lifetime of personal knowledge of whales, particularly southern resident killer whales; and, I am acknowledged to be the expert on SRKW (southern resident killer whale) demographic status in the region. First and foremost these whales must eat sufficient healthy food (salmon) to survive, and that is (and always was) **the** issue driving both their demography and their distribution. That is pretty simple and it was formerly well known. After all, the official policy within your own agency in the 1950's and 60's favored reducing their population so that **humans** could take more salmon; and, for the next thirty years while the salmon were being over-harvested the effective official policy was to look the other way! Throughout this time the resident killer whale population went up and down, and the whales came in and out of Puget Sound unscathed by vessels, even those with malicious or aggressive intent. Now, the sentiments driving the current proposed vessel regulations appear to range from misinformed whale concern to activist mischief to seeking federal funding. Such sentiments perhaps represent a form of reality for humans, but not for whales. What happened to the fish part of the National Marine Fisheries Service?

In the FR notice it is acknowledged that the efficacy of the proposed regulations on whale survival will be impossible to measure; and, I would add that their enforcement will surely be arbitrary and very expensive, if not quixotic. Pity the poor citizen who finds himself (or herself) surrounded by these oversize frolicsome dolphins on a holiday when the boat-shepherd is having a bad day. Too many times I have seen said shepherd racing back and forth over submerged whales to hand out notices to innocent voyagers asking that they not drive over whales. Shepherd and others are now hoping for additional federal funding to launch more herding vessels to race back and forth to document more "violations" of etiquette; and, even the local, state, and federal police, will require much additional funding to accomplish their part of this mission and do something about the shepherd's whining. Say, for instance, killer whales are spread one

per square mile everywhere in Haro Strait (common nowadays that the salmon are scarce and spread), how is a self respecting police officer going to determine if a vessel is parked within 400 yards of the path of a killer whale, especially if the killer is underwater? Will they quickly employ radar, sonar, and laser rangefinders that you will purchase? What is a whale path? Or, how are they going to determine that a vessel egregiously passed within 200 yards of an underwater whale when the vessel operator was just going home? Whales spend 90+% of their time underwater, and even us experts and those who are professional whale-watch vessel operators only have a fair, but not exact notion of where they are then, or where they will come up. They can hold their breath for twenty minutes, you know, and travel a mile underwater before resurfacing. For all practical purposes and for most folks, they can disappear.

To further confuse matters, it has been evident throughout history that whales frequently approach vessels – even modern big and fast moving merchant vessels or dangerous commercial fishing vessels. Don't get me wrong, I believe we should be polite and respectful toward proximate whales, and 99% of citizens now are (a great improvement over the shooting and dynamiting of them prior to the 1970's; improvement, I believe, resulting from our patient public education since then); but, do we have so much money that we can waste it on a human perception of etiquette when a whale's perception is obviously different? The enforcement officers are smart people, and they will soon realize that they have been drafted into a fairy tale reminiscent of "Chicken Little"; and, they will spend most of their time drifting around in boats or repairing them. They could turn on the lights and sirens and race around once in awhile, and maybe even catch a truly bad guy that is part of the 1% that hold malice toward whales, or someone who has raised the ire of the shepherd. All in all, I do not think that the reality of the vessel enforcement of the proposed regulations has been thought through very well, and you will be asking for a lot of subjectivity in their application.

Additionally, you have probably received correspondence concerning the enormous damage your regulations would do to local communities and benign economies. No vessel (even kayaks) can be within one half mile of the west side of San Juan Island, except exempted commercial fishing vessels? Come on, this is a kayaking destination. Who thought of that one?

The United States National Marine Fisheries Service has a mandate to regulate fisheries for sustainability – I respectfully request that you do that, with the priority being for the whales' sustainability. Please encourage the tribes and Canada's Department of Fisheries and Oceans (DFO) to do likewise. Surely your lawyers who artfully crafted the proposed regulations around treaties, other federal laws, international agreements, and official duties, etc. could craft something that acknowledged the SRKW top salmon predators having priority rights to the salmon resources of the Pacific Northwest region. They come before tribes, treaties and all human uses. I know this is a paradigm shift in an agency filled with fishermen and pestered by fishing lobbies and other interests, but that is all it takes to begin to change this situation, and it would make ecological sense. In summary, I urge you to discard these ridiculous proposed vessel regulations and take your dramatic steps toward wild salmon restoration.

Ken Balcomb

Ken Balcomb

Subject: [Docket No. 070821475-81493-01]
From: Jason Mihok <j.mihok@comcast.net>
Date: Wed, 13 Jan 2010 10:54:32 -0800
To: Orca.Plan@noaa.gov

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 224
[Docket No. 070821475-81493-01]
RIN 0648-AV15

To Whom It May Concern:

Thank you for the opportunity to offer comment on the above mentioned proposed rule.

The NMFS identifies vessel effects as a potential contributing factor in the recent decline of the Southern Residents . Again, *a potential contributing factor,* not an actual factor, like salmon recovery, salmon farming or toxic clean up or prevention. While there are many impacts to the Southern Resident Population, we are not discussing the most important, salmon, but rather the most visible, boats.

I have worked aboard a fast-ferry between Seattle and Victoria for the past 20 years. During that time we have had chance encounters with resident and transient killer whales all over the northwest, giving many of our passengers as well as crew, the thrill of a lifetime.

In the long off-season, J pod is the group with we mostly have our chance encounters. The Recovery Plan describes J pod as the most viewed of the Southern Residents and yet is the most successful, with an overall increasing population trend since the 1970s.

J pod are urban orca. For their entire lives there have been boats around them and not all filled with people who just want to shoot them with cameras.

The majority of violations occur from recreational boaters who are unknowing or uncaring of the rules or unable to judge the path or distance of approaching whales. We have rules regarding vessel traffic lanes and impeding vessels following them. However, in the absence of education or enforcement these rules remain in the book and not in practice by the average pleasure boater. Education of recreational boaters is critical and the Washington State boater education requirement is helping which includes information on Be Whale Wise guidelines and Washington State Law. However, it is being phased in until 2016.

Clearly, the Southern Residents deserve a safe and comfortable habitat to thrive in and I support reasoned, science based protections for them. Once these rules are in place they will most likely be in effect indefinitely. We should consider our actions with reason and deliberation.

I support the amendments to the Proposed Regulations that the Pacific Whale Watch Association (PWWA) has put forward:

- 1· "Vessels may not negligently be within 100 meters of Southern Resident Killer Whales in Washington, Oregon, and California, except under special permit issued by NOAA."

- 2·"Vessels must avoid the established path of Southern Resident Killer Whales."

- 3 · "Vessels must obey a 1/2 mile go-slow zone (7 knots) from Eagle Point to Mitchell Point, along San Juan Island"

Thank you,

Jason Mihok
Seattle, Washington

Subject: Vessel Regs comment
From: Andrea Powell <apowell81@yahoo.com>
Date: Fri, 15 Jan 2010 16:49:37 -0800 (PST)
To: Orca.Plan@noaa.gov

To whom it may concern:

I am writing in response to NOAA's proposed vessel regulations for the Southern Resident Killer Whales (SRKW) in inland Washington waters. Although I strongly believe that action is required to protect and conserve this endangered population, I do not believe that the proposed regulations will be effective; they will hurt local industries and may in fact be detrimental to the SRKW. Having extensively reviewed the literature associated with this proposal, I fail to see any strong science that indicates these regulations will be effective. Effective conservation efforts must be rooted in the best available, peer-reviewed science. There are a limited number of studies that have investigated the effect of vessel presence on the behaviour of the SRKW (Lusseau, Williams etc). All of these studies are temporally and spatially limited, including data from a couple of months each year for 1-2 years at most. They focus on only one study site, the west side of San Juan Island near Lime Kiln Park, which in terms of the range of this population, is exceedingly small . The conclusions of these studies are, in the words of the authors, not definitive and require more investigation, and yet the vessel regulations appear to be based solely on these findings.

Many other studies have identified these types of vessel related disturbances to marine mammal populations (Bedjer, Clark, Lusseau) and there is no denying that this is an up and coming issue which requires much more attention, investigation and funding. In ecology it is important to not just identify patterns in animal behaviour but to also understand the underlying mechanism which is driving these observed patterns. Without understanding the mechanism it is impossible to make recommendations about ways to mitigate anthropogenic disturbance to animal behaviour. The primary mechanism identified in association with vessels and marine mammal has been acoustic disturbance. This is a logical conclusion based on the fact that cetaceans use sound as their primary method of sensory perception. As a result of these many studies, the population consequences of acoustic disturbances (PCAD) model has been widely accepted amongst marine mammal scientists to describe the decline of some cetacean populations, such as the North Atlantic Right Whales. The PCAD model, however requires the jump from short-term behavioural responses to vessel disturbance to long term effects on populations. These long term effects have been shown to include, decreased mating and foraging opportunities and habitat displacement (Bedjer, Clark). The consequences and predictions of the PCAD model are readily testable. According to the PCAD model, populations decline as a result of behavioural changes caused by vessel disturbance. These behavioural changes are capable of affecting individual fitness, and consequently population dynamics. The results of these changes can be that animals move into lesser quality habitats to avoid anthropogenic sound, animals are not able to make contact with potential mates as contact is often made by sound, animals are not able to forage successfully because they are reliant on sound to locate prey. In the case of the SRKW we should be able to test the hypotheses of the PCAD model. Thirty plus years of monitoring data is available for this population. However, when we consider the predictions of the PCAD model the reality is that this population does not appear to be declining as a result of anthropogenic disturbance.

If anthropogenic disturbance is affecting whether or not an individual survives and successfully reproduces, we would expect that the greater the level of disturbance the greater the population decline would be. THE SRKW have experienced a steadily increasing amount of boat traffic in the past thirty years, and yet the population size has gone up and down in the same time period and appears to be very closely correlated with Chinook salmon populations. Furthermore, if we look at the three different pods there is without a doubt a different survival rate. The majority of the SRKW population decline in the 1990s was a result of a decline in L-Pod whales, whereas the number of J & K Pod whales has remained steadier. However, J-Pod spends the most amount of their time within inland Washington and southern BC waters every year, where boat traffic is greater and there is a fair amount of dedicated whale-watching traffic. If anthropogenic disturbance is the cause of population decline, we would expect a greater population decline in J-Pod rather than L-Pod. This fact also calls into question the reason for restricting these regulations to inland Washington, when the pod most in need of protection is the one which will receive the least amount of benefit. Finally, the main prediction of anthropogenic disturbance is habitat shifts, where animals avoid using an area with a high level of disturbance, despite the area still having an abundance of their prey. With 30+ years of data on the habitat use of these animals in inland Washington, there has been no studies which give any indication that animals have abandoned or avoided areas of high disturbance, such as the west side of san juan island.

I would also suggest that these proposals are a red herring and that their creation, implementation and especially their enforcement may take up valuable resources which could be better spent on more important issues such as restoring salmon runs or dealing with the levels of local pollution. Dealing with these problems is likely to have a much more noticeable effect on the SRKW numbers than the proposed vessel regulations. Also I know that this will have a dramatic effect on the whale watching business, and it will limit the ability of tour operators and guides to provide effective stewardship for this population. People come from all over the world to see these animals, and the whale watching business gets the conservation message out. If people are able to connect with these animals in the wild, they are more likely to financially and ideologically support conservation efforts.

Thanks,

Andrea Powell, M.Sc.

Wild Whales Vancouver

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Subject: Fw: SB&BA Members - The Whale Watching Industry Needs Your Help! Please Sign Attached Petition
From: Prince of Whales <info@princeofwhales.com>
Date: Mon, 18 Jan 2010 10:41:55 -0800
To: Orca.Plan@noaa.gov

----- Original Message -----
From: Lori LeCount
To: info@princeofwhales.com
Sent: Monday, January 18, 2010 10:03 AM
Subject: FW: SB&BA Members - The Whale Watching Industry Needs Your Help! Please Sign Attached Petition

Dear Sir or Madam:

I own a 7 room inn in Sooke. Along with my colleagues, I saw a downturn in my business of almost 25%. I believe that an across the board change in the distance for whale watching would negatively impact my guests whale watching experience, perhaps causing them to go elsewhere. Responsible operators are already very respectful of our marine mammal population. Irresponsible operators might continue to ignore the regulations.

Please utilize alternative methods to protect our marine neighbours.

Lori

Lori LeCount
Ocean Wilderness Inn
Sooke-Vancover Island- BC
9171 West Coast Road
Sooke, BC, V9Z1G3
250 646 2116
www.oceanwildernessinn.com

From: Whiffinspit Lodge [mailto:info@whiffinspitlodge.com]
Sent: Thursday, January 14, 2010 12:56 PM
To: Malahat Farm B&B; Whiffin Spit Lodge B&B; Straitview Ridge; Sooke Harbour House; Skookum B&B; Seascape Inn; A Point of View; Arbutus Cove Guesthouse; Beaches West, Homestead; Blackfish B&B; Blue Sky B&B; Burnside House; Cape Cod; Charm 'n Sea; Coopers Cove Guesthouse; Dreamings, The Elements; Eagle Cove Beachfront; Goose Trail B&B; Gordon's Beach Farmstay; Markham House; Ocean Wilderness Inn; On the Sea B&B; Quail's Roost B&B; Richview House; Roche Cove Llamas; Salty Towers Oceanfront; Moonlit Cove B&B
Subject: SB&BA Members - The Whale Watching Industry Needs Your Help! Please Sign Attached Petition

Good Morning B&B Land,

The following is for your information and action if you are so moved. This concerns the whale watching industry in general and not Prince of Whales specifically - (they are just the messenger) and involves new viewing guidelines proposed by USA Fisheries which could greatly affect local tourism. They need our support and we need all the help we can get to lure tourists to the region. This is a blow to the industry just as good news was reported by Prince of Whales on 06 January that there was a new baby in J-pod (J-47) - the population of J-pod has now reached 28 and that the three resident Pods saw the birth of 6 calves in the past year!

The petition letter you can respond to follows the Prince of Whales letter.

Cheers! Sheila

Subject: Orca Issue
From: Simendinger Theresa <cowgirltns@rockisland.com>
Date: Mon, 07 Sep 2009 21:14:17 -0700
To: Orca.Plan@noaa.gov

My name is Theresa Simendinger and I am a West-side property owner and kayaker. One of the things I was looking for when I found my home on Mitchell Bay was an easy kayaking site. If I have to kayak straight out 1/2 mile offshore and considering safety, I will not be able to enjoy the ocean kayaking I moved here for. I live by myself and kayak quite often, usually by myself. I hug the shore from Snug Harbor down to SJ County park, usually turning back just north of the park. I stay close to the shore for safety and because I thought it was too shallow for the Orcas.

In five years of kayaking here I have probably chanced upon sight of them 5 times, 4 of those times distantly off shore.

For the last year or two I have noticed to my great dismay the decline of wildlife in general and rapidly.
Where just five years ago I had a day full of wildlife spottings it is not unusual to not see one live animal, fish or bird for my whole kayak trip these last two years.

The same with my waterside view in the back-bay of Mitchell Bay. I used to see various shore and seabirds all year. Seals hauled out on our community dock and a small island in my view. Even seagulls and otters are seldom seen. We had a pair of eagles nesting nearby as usual but I hardly saw their fishing successful and they left early.

I kayak now with a heavy heart and dread the remembrance of Rachel Carson's "Silent Spring" prophecy. I think the absence in the food chain of salmon is the most reasonable explanation and by far the most likely. The idea of setting up wild salmon smolt nets for release makes an extremely more logical and possible solution. We need the time to research this possibility. There are several possibilities for locations.

But I must say having the only solution to our Orcas problem laid upon propeller-less, noiseless and oil residue less watercraft such as kayaks seems incredibly misdirected. It would seem the lone private kayaker is about to take the brunt for years of overfishing, toxic farm runoff, extreme noise pollution and pollution in general.

I appreciate that NOAHH and Soundwatch have been alerting all of us for years of the problems involved. But I think with the incredible decrease in wildlife in general and the poor fishing and crab season we may have everyone's attention. We need more time to research this very basic solution. More Salmon... much happier Orcas.

Theresa Simendinger • 655 Kingfisher Lane • Friday Harbor, WA 98250 • 360-378-8332

PUBLIC SUBMISSION

As of: February 01, 2010
Received: October 08, 2009
Status: Pending_Post
Tracking No. 80a3d3fb
Comments Due: January 15, 2010
Submission Type: Web

Docket: NOAA-NMFS-2008-0327
Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

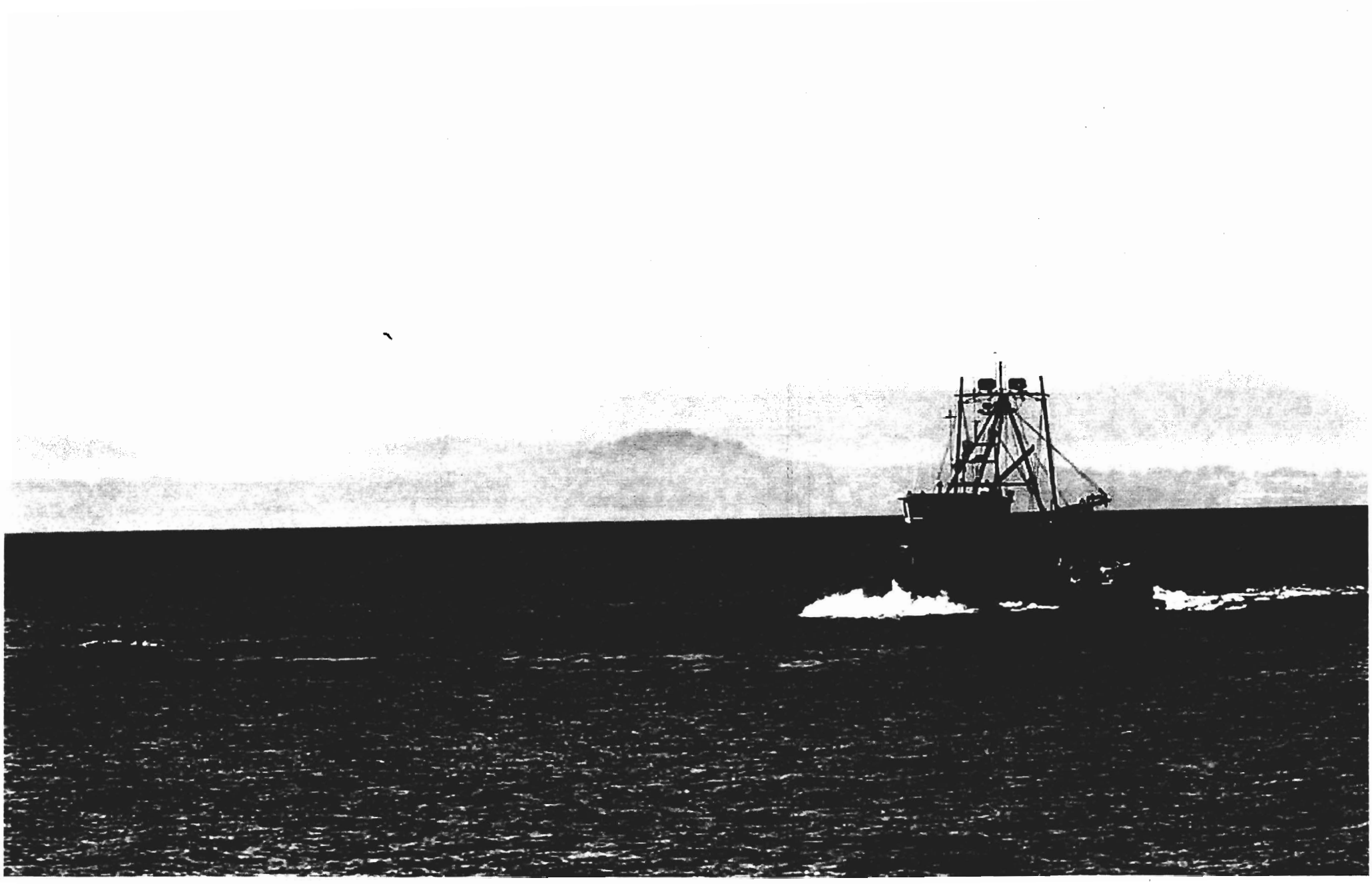
Document: NOAA-NMFS-2008-0327-DRAFT-0024
Comment from Andrew Lees

Submitter Information

Name: Andrew David Lees
Address:
240 Old Mossy Road
Victoria, British Columbia, Canada, V9E 2A3
Email: alees1@hotmail.com
Phone: 250-208-1418
Organization: Five Star Whale Watching

General Comment

NOAA's proposed regulations will not put more Salmon in the ocean, which is the #1 issue that will affect the Orcas. There are current regulations and state laws that are already in place but no strong enforcement applied so why bring in new ones? As the one group affecting the Orcas the most, the Seiners stealing fish out of the Orcas mouth's will be exempt, yet Kayakers will be included under these new regs, how does that make sense??!! The Seiners recently stated that in a 10 day period they took 6 million Pink Salmon out of the waters off San Juan Island! All these regs do is appease a bunch of rich San Juan Island land owners that don't want to see boats off the west side. It will do nothing about the lack of Salmon in our local waters and THAT is why the WW industry and others are fighting this. Unlike Mark Anderson (a complete hypocrite) many of us actually care strongly about the fate of the SRKW's and know we need to increase their food in the area. Unless we save the Salmon everything else is irrelevant and political postering at the expense of the Orcas! The only vessel's I have seen driving at speed around Orcas are private vessels or the commercial fishing fleet. We need more boater education, more enforcement of the existing regulations and most importantly we need a concerted and unified effort to increase the Salmon stock in the Salish Sea. It is the health of the Salmon that is most important to the health of the Orcas, everything else is irrelevant!



Subject: Vessel exclusion plans on Western San Juan
From: Matthew Ellis <m.d.ellis@mac.com>
Date: Tue, 25 Aug 2009 20:18:53 -0400
To: Orca.Plan@noaa.gov

My wife and I recently spent 5 days on a kayak and camping trip that started out from San Juan Island and proceeded around Stuart Island, Jones Island and then returned to San Juan Island. Coupled with the 3 nights we spent on San Juan Island before and after the trip, we spent about $3500-$4000 in the San Juan Island economy between us. Ironically we went to San Juan Island on the basis of being able to see the orca whales and spend time camping and kayaking between the islands.

Kayaking with whales drew us to the Islands. The only time we saw the whales kayaking was on the western side of San Juan Islands. I suspect that if we hadn't been able to kayak with the whales we'd not have gone to the islands and would have sea-kayaked elsewhere. That would have a consequential detriment on the San Juan's economy.

The company we kayaked with (Outdoor Odysseys) spent a lot of time ensuring we were well briefed on avoiding interactions with the whales and minimizing disruption to their movements. In contrast, it was disturbing when we were kayaking to encounter the powerboats and dayboats that were clearly pursuing the whales.

Whilst not being an expert on orca, I sensed that the effort that we put into visiting the islands, coupled with well-trained guides and an ethical guiding company means that we were more inclined to respect the whales and care about their ongoing preservation. By keeping to smaller groups, that minimized interaction with whales in sea-kayaks, I wondered whether an outright ban that includes small groups of sea kayaks would have an overly detrimental effect on the economy.

Matthew Ellis
North Carolina

Subject: Plan for restricting access to Orca whales near San Juan Island
From: Jeff Carter <carterlundberg@yahoo.com>
Date: Sat, 29 Aug 2009 08:56:30 -0700 (PDT)
To: Orca.Plan@noaa.gov

I am an avid kayaker and have been blessed to see the whales many times off of San Juan island (both as a guide and on personal trips). I understand that we need to protect the Orcas in order that they have a chance to recover, but I'm not convinced that sea kayakers have a negative impact on Orca behavior, especially compared to motorized boats (whale watching and otherwise) that are able to chase the whales throughout Haro Strait. If possible, I would like to review the plan and submit my comments. Thank you. (I tried clicking on a link to the NOAA site regarding the plan, but it apparently is down at this time).

Thanks,
Jeff

Jeff Carter
Cell Phone: (206) 450-2592
7122 32nd Avenue SW, Seattle 98126

Subject: Comment on the proposed new Orca restrictions
From: Mike Woolf <mikewo@earthlink.net>
Date: Sat, 03 Oct 2009 12:38:13 -0700
To: Orca.Plan@noaa.gov

To Whom It May Concern:

I am an avid sea kayaker and a volunteer for the Washington Water Trails Association. I made an oral comment at the September 30 meeting at the Seattle Aquarium. This message adds to and further clarifies the comments I made at that time.

As you are aware, the only camp/launch site on the west coast of San Juan Island is right in the middle of this proposed no-go zone, at San Juan County Park. This site is a crucial link in the Cascadia Marine Trail. The nearest campsite or even launch point to the south is in Griffin Bay, about 15 nautical miles away. The nearest such site to the north is in Roche Harbor, about 5 nautical miles away. Any kayaker trying to travel along the west coast of San Juan Island would be required to paddle 20 nautical miles, spending over half of those miles a half mile off shore. This is ridiculously dangerous in Haro Strait and effectively shuts out all kayak travel along this coastline.

Unlike Robson Bight (whose no-go zone is a good thing in my opinion, even for kayakers), the Orcas do not often (if ever) travel right up to the shore. Requiring paddlers to stay within 100 feet of land along this shoreline would keep compliant paddlers away from the Orcas while keeping the Cascadia Marine Trail intact.

Also unlike Robson Bight, you have an opportunity to post signs in the zone that tells ignorant paddlers what the rules are.

It appears that your only issue with kayakers are those who, contrary to existing rules, paddle out to a spot well in front of the pod and park there waiting for the Orcas to arrive (paddlers have no other way of getting close to or interfering with Orcas). This obnoxious behavior has significantly decreased in the past 2 years with the passage of laws banning it and (more importantly) with the increase in education campaigns amongst the paddling community. Simply enforcing existing Washington State Law in the relatively small vicinity of San Juan County Park and Lime Kiln Point would completely solve this problem with respect to kayakers.

If there were solid evidence that this ban against kayaks in the proposed no-go zone would help the Orcas in any significant way, I would completely support this ban. But the only evidence you have is that kayakers who break the law MIGHT cause some problems. Changing the rules simply won't keep those kayakers compliant.

Thanks for your consideration,
Mike Woolf

Subject: proposed orca plan
From: spankyshapiro@optonline.net
Date: Sun, 04 Oct 2009 12:22:21 +0000 (GMT)
To: Orca.Plan@noaa.gov

Dear NOAA,

As an individual who considers herself to be a conservationist, I applaud your efforts to increase protection for orca whales in the San Juan Island area. I have some comments to make about the proposed plan.

I was lucky enough to be in the San Juans this summer for a kayak camping trip with outfitter Outdoor Odysseys. Before the start of our trip we were spoken to by a representative of an orca conservation group. She explained the plight of the local orcas and the guidelines we should follow if we were to encounter any whales. She also told us that if we encountered any whales, our guide would have us paddle out of the path of the whales and raft up together in order to not disturb the animals. We all agreed to abide by the rules and signed paperwork stating that we would.

The trip was wonderful, although we did not see any whales. We did see other marine life and our guide always advised us to keep proper distance. We also saw many commercial whale watch boats speeding through the waters. I assumed that they were on their way to locations where whales had been spotted. Our guide told us that he can always tell when the orcas are in the area, because they are usually surrounded by commercial whale watching vessels.

I can understand how motorized vessels can be upsetting to the whales and interfere with their sonar. Therefore I agree that commercial motorized whale watching vessels should be more tightly regulated. I believe that the number of motorized whale watching boats in the area should be limited and that their distance to the whales should be increased.

I do not however, believe that kayakers would have any effect on the whales. If a whale is near a kayak, it would have to be the whales choice. The kayaks do not move quickly and are greatly affected by the currents. Being out on the water in a kayak, I felt like a speck in the ocean. We had to raise our oars in order for approaching boats to see us. Most of the people taking kayak trips are probably touists like myself and not adept at kayaking. Certainly not likely or even able to put a whale at risk.

Therefore, I think that your efforts to protect the orcas should be confined to increasing regulations concerning commercial motorized whale watching vessels and not kayaking outfitters. I agree in limiting the number of motorized vessels permitted in the area and increasing the distance from the whales. I also believe that the use of self powered boats such as kayaks bring people closer to understanding the natural world and will create more conservationists to help save endangered species like the orcas.

Thank you for giving me the opportunity to share my views.

Sincerely,

Denise Shapiro

Subject: Orcas
From: Julia Loyd <julialonni@gmail.com>
Date: Sat, 03 Oct 2009 16:13:28 -0700
To: Orca.Plan@noaa.gov

Dear NOAA,

I am writing in support of the orca protection plan of Friends of the San Juans, including a 200 m approach limit, salmon restoration, and so on. I urge you to do the right thing. Don't let short-term idiocy get in the way of thinking for future generations.

It seems to me that, over the last 100 years, federal agencies have failed our country, and specifically, our shorelines. We no longer have a cod fishery, we seem to be losing our salmon. Around my island, herring were extirpated in 1963 and have just started to return, in 10's, not in 10 millions. Can you walk across San Francisco Bay on the backs of the sturgeon like you could 150 years ago? You can not. At every turn, I hear about more devastating losses. Chinook salmon. Rockfish. Western grebes. Orcas and other whales. Stellar sea lions. You know about those. I moved to the NW twenty years ago, and was charmed by the puffins and oldsquaw I saw on the water - but that was the last year I saw them. My husband fished for prawns for a few years, but stopped when he couldn't find them in their usual holes. The orcas used to come into our bay for the herring, and to scrape barnacles off on our cobble beaches, but we don't see them any more.

This is not just due to the fact that there are a lot of people around here. We are perfectly capable of having a viable fishery if it is sensibly regulated. Managing all the way up to what a system can stand only works in average years. In below average years, the losses can be irretrievable. Also, it doesn't allow for errors in calculation. Change your policies so that there's wiggle room for the creatures who share our living space.

Furthermore, talk to other agencies and make sensible policies that make sense when taken in tandem. The many agencies which have done such a terrible job of managing our fisheries around here have no business spending time squabbling for tax or grant monies. Deal with your issues and go out there and make sure we have enough salmon and herring to feed the whales, that we have clean water so that we don't have to wince every time we consider eating an oyster, and that we have those massive flocks of seabirds back.

Do the right thing.

Julia Loyd

Subject: Orca Recovery Plan Comment
From: Jason <jason@discoveryseakayak.com>
Date: Mon, 05 Oct 2009 15:15:40 -0700
To: Orca.Plan@noaa.gov, Lynne.Barre@noaa.gov

As a concerned citizen, business manager and field biologist, I have been doing some research into what is known about the specifics of Orca behaviors, especially in the presence of kayaks. I will be upfront in my interest, I'm and avid kayaker and manage a commercial kayak company on San Juan Island, but have worked as a field biologist in the past and continue to do field surveys and conservation work in the San Juan's.

I am not clear in the scientific basis for the decision to close the west side of San Juan Island to vessels , including kayaks in the current conservation and rehabilitation plan for Southern Resident Orca. In general, there is little known about how vessels impact Orca behavior and no studies on the effects of human powered small vessels like kayaks on Southern Resident Orcas. Most of the data I am finding, and the studies cited in your report come from studies of other marine mammals such as dolphins, seals or sea lions.

Because the Southern Resident Orca population is proposed to display a unique culture for marine mammals, I am trying to understand how applying research conducted on Bottle-Nosed Dolphins and Sea Lions has any application to the particular population of Orcas in question. There is no published that deals with the cultural effects of kayaks on the specific pods in the San Juan Islands. Therefore , banning kayak travel in the new measure designating the west side of San Juan Island as a critical habitat seems premature. Since the concept of culture is being used in policy making the protection of the Southern Resident pods, it only makes sense that we understand their cultural tolerance before passing any regulations that would effectively reduce the access of the islands shoreline water based recreation to the public.

We feel that the access to this area has increased public awareness of the Southern Residents and their decline, and that to restrict access would diminish these educational opportunities. Because there is no data to substantiate claims that southern resident Orca behavior is altered in response to vessels such as kayaks, nor is there data to support that declines in Orca populations is related to change in cultural behavior as opposed to diminishing food resources, we feel that the decision to close access to the area in question is premature.

I would like to be able to have open dialog about this decision with scientist at NOAA, and I would like to see some transparency in the science-based policy making process.

I believe there are many alternatives to banning vessel travel that could be considered before making a closure. An effective first step would be to develop a requisite permit system to train and educate guides who would then be certified to work in the region proposed as a no-go zone. This would assure all guides were trained to travel in a conscientious manner and give them tools for further education of the public. The funding for such a program would effectively come from fees to enroll in the guide permit system. Public kayakers could pay for a limited use permit to kayak the region and would be required to watch a video presentation at San Juan County Park before obtaining this permit. Increased education combined with enforcement has the potential for successful management of kayak traffic and a great potential in increased public awareness.

--
Jason Gunter

Discovery Sea Kayaks
PO Box 2743
Friday Harbor, WA 98250

www.discoveryseakayak.com

PUBLIC SUBMISSION

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Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0008
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act- Extension of Comment Period

Document: NOAA-NMFS-2008-0327-DRAFT-0033
Comment from Nathan Broadbent

Submitter Information

Name: Nathan Broadbent
Address:
13103 32nd St SE
Snohomish, WA, 98290
Email: nathan.e.broadbent@boeing.com
Phone: 425-334-9420

General Comment

The whales may need protection form noise and groups of large power boats getting too close. However these rules are too restrictive for non-motorized boats. Non-motorized boats are not the main problem. A mile wide zone is too far out for non-motorized. This proposed zone will kill the whole summer of current riding some Kayakers do around the west side of San Juan Island in the summer.
Sea kayakers should not get too close but 200 yards is too hard to deal with. We can't just hit the gas and scoot out of the way that fast. What about when a whale comes over to look, are we to flee? Clearly we should not harass Killer Whales. Kayakers make little nose, so we do not hurt their hearing, but the whales do know when one is near. A 100 foot intentional zone is more reasonable.
I want to be able to pass through the area without fear of being chased down by some federal official. I have watched from the shore and flown over this area and can say the problem is power boaters getting too close.

Subject: NOAA's Fisheries Service proposal of new rules
From: Richard Knapton <rwknap@comcast.net>
Date: Fri, 15 Jan 2010 16:50:59 -0800
To: Lynne.Barre@noaa.gov

January 15, 2010

I am responding to NOAA's Fisheries Service proposal of new rules on vessel traffic aimed at further protecting Southern Resident killer whales in Puget Sound. (DEPARTMENT OF COMMERCE, National Oceanic and Atmospheric Administration, 50 CFR Part 224, [Docket No. 070821475-81493-01] RIN 0648-AV15). The proposed regulation includes kayaks along with all other vessels.

As you know, the southern resident killer whales have been classified as endangered. This proposal attempts to provide further safeguards for these whales. However, it seems this proposal is more political than scientific. The number one threat to our orcas is a dwindling food supply. NOAA didn't address this issue at all. I'm assuming they did this because of the political power of the commercial fishing industry and the Indian treaty rights. Both have powerful lobbies that NOAA doesn't want to take on. Instead they have chosen to take on the little guy: kayakers, sports fishermen and whale watchers.

NOAA has proposed that these vessels not approach orcas closer than 200 yards. The standard worldwide is 100 yards. They also propose a half-mile no-go zone extending from the west coast of San Juan Island from May to September. This will destroy the whale watching industry and preclude kayakers from kayaking the west coast of San Juan in the summer. This would not be so bad but it seems this proposal was not built upon appropriate scientific research

Here is the justification for including kayaks in this proposal.

Vessels Subject to Proposed Rule:

"Commercial and recreational whale watch vessels include motorized, non- motorized and self-propelled vessels (i.e., motor boats, sail boats and kayaks), all of which can cause disturbance to whales. While kayaks are small and quiet, they have the potential to disturb whales as obstacles on the surface, and they may startle whales by approaching them without being heard (Mathews 2000). Some kayakers may be less likely to follow rules (Jelinski et al. 2002) and more likely to approach wildlife closely because they may be more apt to over- estimate distance because of their low aspect on the water, and to assume they are less likely to disturb wildlife than other vessels (Mathews 2000). In studies comparing effects of motorized and non- motorized vessels on dolphins, the type of vessel did not matter as much as the manner in which the boat moved with respect to the dolphins (Lusseau 2003b). Some dolphins' responses to vessels were specific to kayaks or were greater for kayaks than for motorized vessels (Lusseau 2006, Gregory and Rowden 2001, Duran and Valiente 2008). Several studies that have documented changes in behavior of dolphins and killer whales in the presence of vessels include both motorized and non- motorized vessels in their analysis (Lusseau 2003b, Nichols et al. 2001, Trites et al. 2007, Noren et al. 2007, In Press). Based on this information, it is appropriate to protect killer whales from different types of vessels."

I will break this down and show how scientific studies and been inappropriately used to justify these claims.

1. While kayaks are small and quiet, they have the potential to disturb whales as obstacles on the surface, and they may startle whales by approaching them without being heard (Mathews 2000).

This statement is nonsense. The person writing this clearly has no knowledge of kayaks or of orcas. Orcas have echolocation abilities that extend sixteen miles. This means even if the killer whale remained rooted in one spot he would be aware of the existence of the kayak for five hours prior to contact.

Reference to the Mathews report is totally irresponsible. The report addresses the concerns steller sea lions not orcas. The disturbances to sea lions are related to pullouts by the sea lions (climbing out of the water to bask, nurse, etc.). While out of the water, steller sea lions are very vigilant as they become vulnerable to predators. Kayaks can be a cause of concern to steller sea lions causing them to reenter the water where they are safe. Obviously this has no relevance to killer whales. Killer whales do not perform pullouts. This study has no relevance to the issue of kayaks and orcas.

2. Some kayakers may be less likely to follow rules (Jelinski et al. 2002) and more likely to approach wildlife closely because they may be more apt to over- estimate distance because of their low aspect on the water, and to assume they are less likely to disturb wildlife than other vessels (Mathews 2000).

The Jelinski report showed that kayakers were no more likely to cross the boundary of the Robson Bight-Michael Bigg Ecological Reserve in Canada than were other vessels. As had been mentioned, the use of the Mathews report is irresponsible, as it did not study killer whales.

3. In studies comparing effects of motorized and non- motorized vessels on dolphins, the type of vessel did not matter as much as the manner in which the boat moved with respect to the dolphins (Lusseau 2003b). Some dolphins' responses to vessels were specific to kayaks or were greater for kayaks than for motorized vessels (Lusseau 2006, Gregory and Rowden 2001, Duran and Valiente 2008).

These remarks in a section on killer whales are also totally irresponsible. While in the same family, there is a vast difference between dolphins and killer whales. The bottlenose dolphin is about 12 feet long while the killer whales averages 20-32 feet long (great bulls). The size difference has significance when encountering a 17-18 foot long kayak. Lusseau's study of dolphin responses to kayaks showed they frequently reversed direction. This is a response associated with predator avoidance. With killer whales as their natural predator this avoidance strategy is natural. With no natural predator the killer whale is unlikely to respond to kayaks in a similar fashion. Anecdotal evidence shows that orcas are more likely to approach kayaks or ignore them completely. Thus, the study of dolphins has little or no relevance to killer whales.

4. Several studies that have documented changes in behavior of dolphins and killer whales in the presence of vessels include both motorized and non- motorized vessels in their analysis (Lusseau 2003b, Nichols et al. 2001, Trites et al. 2007, Noren et al. 2007, In Press).

This is the most egregious statement of this whole paragraph. It attempts to make a direct correlation between behavioral changes in killer whales and contact with kayaks. Lusseau's study mentions interactions between kayaks and bottlenose

dolphins. Killer whales are not mentioned. Nichols' study mentions interactions between Hector's dolphins and kayaks. Again, no killer whales are mentioned. The Trites' study looks at the disturbance of killer whales by commercial fishing vessels. Kayaks are not mentioned. Noren's study looks at motorized vessels. Kayaks are not mentioned. There is not a single study presented to show contacts between killer whales and kayaks much less any detrimental effects. It is all smoke and mirrors.

The NOAA proposal fails to show kayaks possess any potential disturbance to killer whales. Kayaks do not posses a sound threat. They do not have the speed to track with the animals. In fact,if there are contacts between kayakers and killer whales it is due to the killer whale not the kayaker. Because of the slowness of kayaks, contact with killer whales are more serendipitous than planned. During 2008, the percentage of whale kayak contacts in the Haro Straight was 4%. This was only 1 percentage more than research vessels [] The Jelinski study of the Robson Bight-Michael Bigg Ecological Reserve showed that the average time kayaks spent in contact with killer whales was two minutes.

The draconian measure of forcing kayakers to paddle a half of a mile off the coast of San Juan Island places the kayaker at great risk. Should the waters turn dangerous the kayaker has no means of quickly getting to safety. This would, in effect, stop all kayaking on the west coast of San Juan Island. This is especially reprehensible since the kayak posses little threat of disturbance to the whales.

RECOMMENDATION

The recommendation to keep kayaks a half miles off the coast of the San Juan island is a copy of a regulation for the Broughton Archipelago BC Marine Park. This has to do with the killer whales using the beaches for scraping spots. The west side of San Juan Island has no beach. It has cliffs to the sea. The only disturbance that kayakers can pose to killer whales is to paddle in the path of oncoming whales. The following proposed regulation should eliminate this potential disturbance. This suggestion is based on one developed by Soundwatch.

"Kayakers be required to remain at or within 200 yards of shore when on the west coast of San Juan Island, while killer whales are present, to prevent them from moving off shore to paddle in the whales' path and into the area of high vessel traffic."

This will protect the interests of the killer whale and kayakers.

The southern resident killer whales are endangered. We need to develop an effective recovery plan. But it is neither in their interest nor in ours to create fake bogeymen to regulate against. Whale watching is one of the most important means of making people aware of the plight of these creatures. What we do here must be guided by sound scientific studies. Such a proposal must include protecting the food supply of these animals and diminishing their exposure to toxic pollution. Neither of these subjects was broached in this proposal. Studies have shown a positive relationship between food supply (mainly Coho salmon) and the size of the southern pod. This is the most critical aspect of developing a recovery plan for these animals. It needs to be addressed.

Subject: No Go Zone West Side San Juan Island WA
From: Norris & Karen Palmer <4palmer@centurytel.net>
Date: Thu, 14 Jan 2010 10:58:00 -0800
To: Orca.Plan@noaa.gov

The species deserves a break, but not at the cost of not letting anyone see them in the wild.

I am an avid boater and live on the west side and have lots of friends that kayak.

The Kayaks have no impact on them...

The whale boats should contribute part of their profits to sustaining research and should all be licensed so that any boat not following the rules gets suspended and fined.

Subject: NOAA No-Go Zone
From: David Tomlinson <dtmurcielago@yahoo.com>
Date: Sat, 09 Jan 2010 21:08:10 -0800 (PST)
To: Orca.Plan@noaa.gov

1/9/2010

It is good that NOAA has chosen to review their recommendation. After the bout of public hearings late last fall, it became obvious to everyone (locals already knew this) that NOAA's plan was heavy-handed and completely skipped over all the nuances and subtleties that define the whale watching industry in Haro Strait, and the slightly larger tourist economy in the San Juan Islands.

Experts tend to agree that the main source of stress in the Orca pods is lack of food. I believe it was 5 Orcas that did not return this summer and were presumed to have starved. I first came to the San Juans not too long ago--in 2002, and since then I have noticed that the summer and fall shorebirds are as noticeably absent from the Westside as Chinook are from their inland streams. While I used to count dozens of birds on a single kayak transit from SJ County Park to Reid Harbor, I now find only a hand full. In the fall I used to see hundreds, now there are barely a dozen here or there. The same held true this last September ('09) in the Gulf Islands to the North.

Both Salmon and Orca are indicator species, and their struggles point to a deeper structural misalignment w/in the Puget Sound ecosystem. With the shorebird numbers declining, one can presume that the lower end of the food chain is in distress, whether it be herring or other small fish. Substantial efforts are underway on all fronts to improve the situation on shore that invariably effects our rivers, estuaries and juvenile salmon grounds.
But as one researcher from the labs pointed out at the public hearing in Friday Harbor, we are here, however, to discuss the affects of Whale-*Watching* on the Orcas.

There is a lot of evidence to support the claim that increased acoustical interference in Haro Strait has had an effect on communication w/in the local resident pods. Furthermore, as equally intelligent beings, we can guestimate that the constant din from shipping traffic has an effect on the whales social structure--try moving your living room next to the free way. Sometimes on a cold winter night, I can feel my bed shaking from the freighters going by--I live a good mile inland from Mitchel Bay! Imagine that underwater.

Unfortunately, there is limited information on the affects of kayaks on Orcas. While I admit that our presence certainly has an affect (quantum theory) I cannot say exactly what it is. Sometimes the Orcas close in pretty tight before diving deep below our boats--seemingly not having taken notice of us--and emerge quite a ways off on the other side. Other times they just simply pass us by w/o any adjustment to their transit. As a commercial kayak guide (in an industry that has been historically subjected to great scrutiny in the San Juans,) I have never allowed my group to paddle out into a pod's path. However, intersections sometimes occur near shore. For example, when a freighter wake is about to roll in, you only want your guests so-close to the rocks. Other times, the whales are just that close to shore, and there's nothing you can do but sit and watch.

I am quite curious about the near-shore interactions of Orcas and kayaks, and hope an additional season of study can improve our understanding of this interaction. Certainly Sound Watch's data collection is invaluable in this account. Hopefully more data might be collected in the coming season. Perhaps a no-go time period could be useful to set a baseline for experimental comparison. But before real scientific data is collected, it's difficult to understand the wide and sweeping federal regulators scientifically unfounded policy recommendation of last fall.

The policy NOAA put forward is problematic for many reasons, many of which have been noted by others in the scientific community. As a kayaker, I don't have too much sympathy for the aggressive,

single-minded whale-watching boats that are constantly on the West side. So what's 100 more yards--you can still run your business. However, the denial of passage to kayaks presents an industry-wide burden on kayakers--commercial and private alike.

Probably 70% of all San Juan Island commercial kayak tours depart from San Juan County Park. I know 90% of ours do. A displacement of these numbers will require incredible mitigation, as surely more people will flock to the Westside, hoping to get a glimpse of the Orcas from those beautiful bluffs. Such a crowd would overwhelm the delicate trail systems there, on both Land Bank land and in Limestone State Park. Additionally, the County Park--despite the huge volume of launch fees they collect from commercial outfits--is having funding difficulties. Discontinuing commercial launches from SJ County Park would have huge fiscal implications for the Park, and for Island residents that use it. Presumably, commercial kayaks could no longer launch from SJ County Park, but IF they could, they would have to paddle out a good 1/2 mile to avoid the proposed no-go zone--an undeniable hazard to our guests.

It seems that there are numerous steps that can be taken--or have already been taken--to mitigate or eliminate the presence of kayaks on the west side. During the '09 season, it was typical practice among commercial kayak guides to follow the coastline very closely whenever Orcas were around. However, Orcas do enjoy coming in very, very close to shore--even into the kelp, where they like to play. Often, it is private boaters who are traveling away from shore, out into the Orca pods' trajectory. Perhaps an fee-funded educational permit system can be set up to minimize such events in the 2010 season. Additionally, the now tighter-knit commercial kayak committee should enable more consistent and professional behavior by different companies on the water. While guides trickle in and out during the course of a season, a mandatory Orca-orientation for new commercial kayak guides from all the companies--held jointly--would be a mighty fabulous step to implement, and one I highly recommend--so that all commercial boaters know what is expected and regulated behavior on the water.

As naturalists, we're on the side of the Whales. But we also love our jobs, believe we are just and respectful in our non-interactions with the Whales, and require a little more substance in order to put our entire industry in jeopardy. Hopefully the pressures put on the kayak industry by the impending NOAA ruling will have a positive, coalescing effect on all us kayakers, that we can get it together, and do what is right.

Respectfully,

David Tomlinson
PO Box 2194
Friday Harbor, WA 98250

Subject: Vessel restriction
From: "Severn, Sarah" <Sarah.A.Severn@nike.com>
Date: Mon, 07 Sep 2009 15:27:06 -0700
To: Orca.Plan@noaa.gov

As a kayaker who has spent many hours observing the resident whales from a rental home and paddling up and down the currently restricted no go zone I have several observations to make.
Not all kayakers travel in groups. I am usually alone and typically paddle no more than 200 feet off the shore for safety reasons. Forcing kayakers to travel half a mile off shore increases the level of danger that they will be exposed to boats traveling at speed, and, in the event that whales are in the area, exposes them to the additional hazard of aggressive whale watch boats, particularly those that don't abide by the existing rules. In addition how is a kayaker to know or maintain the half mile distance off shore unless they carry a GPS.

Given that kayakers do not represent a sonic threat to the whales, it would seem that a more reasonable restriction is to keep kayakers inshore, within the half mile zone but some minimum distance from the shore so that nesting sea birds and seals are not disturbed. If specific kayaking outfits are causing the problem, then put rules in place to fine them.

I have lived in the Pacific Northwest for 14 years, have been visiting San Juan island every year, and am likely to become a resident in the next year or so. In that time I have been an avid supporter of the whale research efforts, the whale museum and other wildlife efforts. I would urge you to spend as much effort investigating the use of Navy sonar and it's role in decreasing the whale populations as you are into restricting the vessel traffic in one localized area.
Sincerely
Sarah Severn
--
Sarah Severn | Director of Environment: Mobilization Team, Sustainable Business and Innovation
| Nike Inc. | W 503 532 0324 |
MS-1,1, Bowerman Drive
Beaverton, Oregon
97005
"In a time of drastic change it is the learners who inherit the future. The learned usually find themselves equipped to live in a world that no longer exists" Eric Hoffer

Subject: Please do NOT ratify the Proposed Orca Vessel Regulations
From: KEITH EDGERTON <keithdavid17@msn.com>
Date: Mon, 14 Sep 2009 14:02:12 -0700
To: Orca.Plan@noaa.gov

Hello-

I have been an avid Orca Whale Watcher for 10 years now and I have had the pleasure of seeing the Orca's from a kayak and from a Professional Whale Watching Boat. I am excited to see the environmental changes made to the Southern Resident Habitat to help the Whales popluation recover. However, I don't not think the whales are experiencing stress from kayaks or professional whale watching charters.

There appears to be a lot of footage of Orca's near Purse Seiners and boats and the whales showing no signs of stress. I can't imagine how a whale would feel intimidated by a kayak.

Please consider revising the proposal to not include self proppelled boats along with Whale Watching Boats. I think we want to encourage education of Orca's through professional services. Please focus your attention on the Toxicity of Puget Sound/the Strait's if you are really concerned about the future of these magnificent whales! They need more Chinook Salmon and they need less toxins in the water and their food supply.

Thank you so much for your time and consideration!

Cheers,

Keith Edgerton
Olympia, WA
360-493-7059

PUBLIC SUBMISSION

As of: February 01, 2010
Received: October 03, 2009
Status: Pending_Post
Tracking No. 80a398cc
Comments Due: January 15, 2010
Submission Type: Web

Docket: NOAA-NMFS-2008-0327
Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act

Comment On: NOAA-NMFS-2008-0327-0001
Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Document: NOAA-NMFS-2008-0327-DRAFT-0023
Comment from William Brackin

Submitter Information

Name: William P Brackin
Address:
1353 Cedar Avenue
Marysville, WA, 98270
Email: bbrackin1@verizon.net
Phone: 425-258-4849
Fax: 425-212-3914

General Comment

I oppose the "No Go" zone on the west side of San Juan Island. I support a "Go Slow" zone instead. Also, the idea of cutting your engine if the whales are headed your way seems like a very responsible way to improve the situation. As a sea kayaker who has paddled this area, and as a Board Member of the Washington Water Trails Association (WWTA), access to the beach south of Lime Kiln and San Juan County Park is critical to our sport. If you paddle from Cattle Pass north, it is already a long, turbulent way to Lime Kiln before kayakers can safely stop for a break. The WWTA has a Cascadia Marine Trail campsite at San Juan County Park, and this is a very important site to our trail system.

I have paddled the area privately, but I also took my cousin's family from New York, my niece, and granddaughter on a commercial kayaking trip to this area a couple of years ago, and the positive impact on them was obvious. They will definitely support marine mammal protection. The kayak trip was important in influencing their opinions. I think that responsible commercial kayak trips in this area actually educate and build support for Orca preservation.

In my opinion, if the existing regulations were enforced, we would not be at this place where

Subject: Orca Plan
From: Timothy Rote <TRote@co.tulare.ca.us>
Date: Tue, 28 Jul 2009 14:44:40 -0700
To: Orca.Plan@noaa.gov

Thank you for the opportunity to comment electronically on the proposed regulations. I will take the opportunity to lodge an objection to including kayaks as vessels in both the distance rules and the ban around Lime Kiln Park.

The reason for my objection is that less restrictive measures could be found to allow reasonable kayaking opportunities for whale watching. The limits that these regulations place on whale watching from power vessels will put similar kayaking operations out of business. Kayaks have limited range and speed and cannot easily comply when the whales come. My experience is that the guided tours simply group together, sit still and allow the whales to pass. Last time I was able to go, two pods together passed, maybe 60 whales, spread over hundreds of yards of water, and they seemed oblivious to our presence. I never saw a kayaker paddle towards whales or saw the whales alter course or activity at any time. They fed and jumped and swam by as we sat in awe.

Surely, a limited number of permits could be granted to experienced guides that would allow for responsible whale watching. The proposed regulations represent a ban on this unbelievable experience. Kayakers are not banned from other highly protected areas like Monterey Bay. There are NOAA Volunteers that paddle out and monitor the kayak activity.. A combination of these reasonable restrictions would still allow for an experience that was truly a highlight of my life. I have attached a photo which I hope will be added to the comment. Don't make the experience impossible when sensible regulations for kayaks would suffice to fully protect the whales.

Finally, I can think of no better advocates of efforts to protect marine life and habitat than the kayaking community. This group will suffer disproportionate harm from the proposed regulations. I urge modification that considers this comment and other obvious differences between kayaks and motorized vessels of any size.

Thank you for considering my comment.

Tim Rote

orca barb & tim edit.jpg	**Content-Type:** image/jpeg **Content-Encoding:** base64

Subject: San Juan No-Go zone issues
From: Aaron Randall <arandall76@gmail.com>
Date: Tue, 04 Aug 2009 10:14:26 -0500
To: Orca.Plan@noaa.gov

Greetings, I am writing this in response to recent proposed changes that affect the San Juan area. Although I think any legislation to protect endangered species is of paramount importance, I feel the restrictions that are not realistic in many areas. As I have kayaked in the area before, and see that some of the guides care deeply about the surrounding environment, it places a very unfair burden on these individuals. I'd like you to consider a few points on the matter:

- The science seems to be inconclusive the effect kayak's have on Killer Whales in San Juan Island.
- The importance that kayak recreation plays for the islands small economy
- Why is NOAA not entertaining other alternative such as permits for commercial kayak companies and education format to have all guides certified to work in critical habitat zones.
- Who will enforce no kayak launching from San Juan Co Park?

There seem to be so many more amicable solutions to this problem that do not paint everyone with the same broad brush, and I would like to see a solution that takes a deeper, more critical look at the situation in developing a long term solution.

--

Aaron Randall
IDA Administrator
EOA of Washington County, Inc.
479-872-7479
arandall76@gmail.com

Subject: common sense please
From: Lin Pearson <petrosj@rockisland.com>
Date: Wed, 05 Aug 2009 09:45:27 -0700
To: Orca.Plan@noaa.gov

Kayaking does not endanger our whales or anything else. Its clean, healthy transportation. I urge you not to let this pendulum swing too far.
Thank you
Lin Pearson
Friday Harbor, Wa.

Subject: Re: Orca regs on W-SJI
From: Therese Eby <thereseeby@hotmail.com>
Date: Mon, 17 Aug 2009 18:04:07 -0400
To: Orca.Plan@noaa.gov

I have found no science indicating kayaks change orca or fish behavior off San Juan Island, and I suspect there is little benefit to closing the area to kayaks. There is significant economic cost, as over 10,000 kayaks use the area annually, per San Juan County Park estimates. I will visit San Juan Island 50% less if the area was closed to kayaking as proposed. I generally visit three times/year to bike or kayak, staying at a hostel, resort, or campsite. I have purchased food, lodging, clothing, and art on the island, and my purchases would decrease 50% with such a closure.

Compared with other boats, kayaks are relatively silent and slow-moving. Unlike motorized boats, kayaks have no noise generator to interfere with echolocation. Kayaks generally travel less than 4 mph so are not a collision problem.

Salmon are known to alter behavior in shallow stream beds when a kayak is overhead. However, the Chinook salmon, the preferred food of the endangered orcas, travels in deep water columns off San Juan Island, where it is unlikely to be influenced by kayaks above.

In the absence of data on the impact of kayaks on the behavior of endangered orcas, it is prudent to require kayaks to stay inshore, out of the path of orcas, and to stop on kelp beds (or raft up in the absence of kelp beds) when orcas are near. A nominal kayak launch/permit fee could fund education and enforcement of low impact kayaking - or perhaps fund research on the impact of kayaks on orcas or chinook. Ticket noncompliance with random patrols, and use cameras to monitor the area.

I am a responsible boater who uses waterproof binoculars when I kayak, to keep my distance when viewing wildlife. I hope to continue to enjoy the sights off the rugged west coast of San Juan Island.

Therese Eby
9215 156th Pl NE
Redmond, WA 98052

With Windows Live, you can organize, edit, and share your photos. Click here.

Subject: Please Allow Whale Watching by Kayak to Continue
From: Matt Kulp <mattkulp215@gmail.com>
Date: Mon, 24 Aug 2009 14:07:13 -0700
To: Orca.Plan@noaa.gov

To whom it may concern,

After hearing about how a proposal is out to eliminate sea kayaking within a 1/2 mile of shore near the San Juan Islands, I want you to know that I strongly object to this. I went on a sea kayaking tour a few months ago, with Outdoor Odysseys, and we saw dozens of these majestic creatures. It was one of the best experiences of my life to be so close to such an incredible animal. Seeing these whales in their native habitat gave me a profound respect for them and for the environment that they, along with millions of other animals, live in. The guides made sure that everyone on our tour stopped paddling when the whales got close so we would not disturb them. Instead of large tour boats that can go farther into the water from shore, where a majority of the whales are, the kayaks stayed very close to shore, thus not intruding on the whales as they swam by.

Not only are the kayak tours great for teaching about the animals and their environment, they are great exercise. Allowing these tours to continue will promote good health as well as environmental awareness. Also, the tours are a great industry for the people of the San Juan Islands. It is my opinion that this proposal should not be passed or considered anymore. It would be a truly great loss to have the ability to kayak alongside the Orcas and other marine life off of the San Juan Islands.

Thank you for your time,

Matthew Kulp

Subject: kayaking
From: peter a <peteanderin@hotmail.com>
Date: Tue, 22 Sep 2009 17:41:33 +0000
To: Lynne Barre <Orca.Plan@noaa.gov>

There is not enough scientific evidence stating kayaks (commercial or private) harm or even disturb the orca whales. Why are kayaks included in this plan? Please revise your recovery plan. Thank you,

Erin Ancich

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. Sign up now.

Subject: killer whale regulations
From: Gary Peniston <ghpghp@earthlink.net>
Date: Fri, 15 Jan 2010 10:54:46 -0800
To: Lynne.Barre@noaa.gov

I'd suggest that human-powered boats be exempt from the proposed restrictions. The reasons given for the restrictions pertain mostly to engine sounds and spilled fuel, neither of which apply to kayaks, canoes and other human-powered vessels. Pretty straightforward. I've personally observed that the whales do not appear to be bothered by kayaks, as they have approached me and other kayakers fairly closely. If we were bothering them, I don't think they'd approach us that closely.

Gary Peniston
Gig Harbor, WA

Subject: Proprosed Regulations are NOT the answer
From: Sharon Wilford <SWilford@nwresource.org>
Date: Thu, 01 Oct 2009 14:40:27 -0700
To: Orca.Plan@noaa.gov
CC: Derek Mitchell <dmitchell@cisseattle.com>, "Wilford, James" <James.H.Wilford@pjc.com>

My main complaint about the proposed regulations is the impact it will have on kayaking in this region. I don't think it is right for the Federal Government to step on Washington State laws and **PROHIBIT** aquatic vessel activity in this area. Their proposal shuts down an area from the shore to one half mile off the coast of the west side. For those of you who know this area and/or have paddled it with us, you know it is a spectacular region that is a true treasure of Puget Sound. These proposed regulations are an over-reaction and are written by NOAA representatives who have not only spent little to no time with these animals, but don't live anywhere near this region. Who knows what their motivations really are. I say, let local communities and governments decide what is best for our environment.

Sharon L. Wilford,
Co-Owner and Operator of Fletcher Bay Winery and Guest House

8765 Battle Pt Dr NE, Bainbridge Island, WA 98110

206.812.1947 swilford@nwresource.org
1.800.927.9411x109 cell 206.650.4752

P **Please consider the environment before printing this e-mail**

Subject: Kayak
From: DEREK V MITCHELL <derekm_59@msn.com>
Date: Fri, 02 Oct 2009 12:11:20 -0600
To: Orca.Plan@noaa.gov

What possible harm do kayaks propose to Orcas ????? Lighten up.....

Subject: Half Mile no-Go Zone May Kill Paddlers or Rowers
From: Barbara Sherrill <barb@kayakacademy.com>
Date: Tue, 06 Oct 2009 14:22:21 -0700
To: Orca.Plan@noaa.gov

Hello,

My name is George Gronseth, the co-author to "Sea Kayakr's Deep Trouble" and Barbara Sherrill, instructor/office manager at Kayak Academy have both reviewed the comments written by Matt Broze. We concurr that the proposed No-Go Zone may kill paddlers or rowers. Please reconsider that non motorized human powered boats should have special consideration.

Sincerely,

George and Barbara

George Gronseth, founder Kayak Academy
Barbara Sherrill, Instructor/Office Manager
11801 188th Ave SE Issaquah WA 98027
Tollfree:866.306.1825;Ph:206.527.1825;Fax: 425.235.2257
"The elite school for kayakers since 1991"

Mr Conrad D Rodney
4302 Apache Dr
Mount Vernon WA 98273-917

Assistant Regional admin.
Protected Resources Div.
N.W. Regional office - 7600 Sand Point Way N.E.
Seattle, Wa 98115

Although I can no longer afford to go fishing, the S.V. Herald article on Orcas caught my attention.

Along with a long list of other regulatory issues your dept. + possibly other (NOAA, Wa. state, others) are increasing regulations and or making them more strict than required.

There has been a substantial increase the number of orcas in recent years.

Increasing vessel distance to 200 yards is obviously unnecessary, as is prohibiting vessel within half mile of the San Juan Island.

Many residents + taxpayers agree with Mr. Carpenter position on sports fishing and share your aggravating experiences of increasing regulations. Your hiring of a "consultant" from Massachusetts is understandable - it is run by the Democratic party.

Please encourage your staff to spend more time on enforcing our Gimed Lion Protection rather than wasting funds and wasting tax dollars.

Sincerely
Conrad D. Rodney

PS. It is unfair to exempt Tribal Fishermen from laws.

Subject: Comment
From: Graham Oakley <javacat500@yahoo.com>
Date: Fri, 14 Aug 2009 12:34:41 -0700 (PDT)
To: Orca.Plan@noaa.gov

Hello,
I would like once more to make my point that I think the proposed regulations for whale watching in the San Juan islands are far to radical than what is actually needed. In my opinion there should be a 1/4 mile buffer region around San Juan island when whales are present and to make the viewing distance 150 yards at all times. There should also be strict enforcement by non-bias parties of the regulations particularly for pleasure boating. (As in non whale watching vessels.) The whale watching industry is by far the most familiar with the current regulations and the most compliant. If you're going to crack down on someone, go after the people who don't know how to behave around whales.
This is my opinion and I'm sticking to it.
S. Graham Oakley

Subject: Comments
From: Graham Oakley <javacat500@yahoo.com>
Date: Sat, 22 Aug 2009 21:25:39 -0700 (PDT)
To: Orca.Plan@noaa.gov

To whom it may concern,
In response to your proposed guidelines for whale watching in the San Juan islands, I would like to raise the issue that if there are guidelines/laws/regulations in effect there needs to be a non-biased group enforcing them. Soundwatch is not in my opinion the best agency to be tasked with enforcement. I know that their captains have refused voluntary drug testing, undermined there own "guidelines", have come across as intimidating and aggressive to pleasure boaters and whale watching vessels, and are at times extremely unprofessional. While not wanting to point fingers, I think the entire proposal is unnecessary.
Graham Oakley
Anacortes WA

Subject: Fishing area closure on San Juan Island
From: William A Knutzen <billknutzen@msn.com>
Date: Fri, 02 Oct 2009 08:35:59 -0700
To: NWR.WebMaster@noaa.gov

Enclosed is a letter opposing the closure of San Juan Island to Sport fishing

William A. Knutzen

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[Fwd: FW: Fishing area closure on San Juan Island].eml

FW: Fishing area closure on San Juan Island.eml

San Juan Island fishing ban.wps

11790 Avon Allen Rd
Burlington, WA. 98233
October 2, 2009

Lynne Barre

I suggest that NOAA fisheries step back and take a serious look at what you are attempting to do to "protect the Orcas from harassment by fishermen". I no longer fish in the San Juan Islands much, but in the past 60 plus years, I have spent many hours fishing in the area you are suggesting closing. I feel sorry for the people who will be locked out of one of the most productive fishing areas in the San Juan Islands. Why is it that the Orcas spend so much time there?

In the numerous times I've spent in that area, I've had Orcas surface near my boat, and seemed to be unconcerned that I was there. Obviously most of the time I was either trolling or drifting. As a matter of fact, we were more concerned than the whales. Every fisherman knows that when the Orcas, Seals, or Sea Lions show up, you might as well leave, because salmon quit biting. As a matter of fact, Seals tend to follow fishing boats to capture an easy prey. Time for the fisherman to leave. I've had dolphins put on a show for us in a 16 foot open boat. Unfortunately no camera. We shut the motor down while the dolphins rubbed the bottom of the boat and one actually leapt over the bow. Wildlife are not fearful of humans if they are not threatened, and slow moving boats do not constitute a threat. I've had Grey Whales, Blue Whales, and Orcas within 10 feet of 50 foot cruisers without me knowing about it until they passed under our boat. This doesn't sound like we were harassing them. It seems to me that "self appointed environmentalists" watching actions from the shore and other boats, misinterpreting what is actually going on.

To single out sports fishermen to bear the brunt for "protecting" our Orcas is wrong. If it is truly a problem, lets ban everyone including Indians, home owners in that area, and "Orca researchers". As a matter of fact lets keep everyone off the beach by a half mile. Most of the accidental deaths of Orcas in Puget Sound seem to be caused by large ships. Is that the next step? I've been "trapped" by Indian Purse seiners operating at Pile Point while I was fishing there. I'm sure that that activity is more harmful to the Orcas than sports fishermen. Do we have any studies on how that affects the Orcas?

No one wants to see the Orcas presence diminished, but lets not get carried away, by an action that may, or may not, affect the Orcas sustainability in the San Juan Islands. This problem needs a whole lot more study by an unbiased group. Based on what I've seen in the past, I don't consider either the "Whale watcher group" or NOAA fisheries to be unbiased.

Sincerely,

William A. Knutzen