SAN JUANS

Subject: Boat Free Zone

October 19, 2009

Schloredt to National Marine Fisheries

The Seattle Times reprts that some, not all, boats will be restricted from a boat free zone on the west side of San Juan Island. This violates the equal protection clauses of both our state and Feder-l Constitutions.

National Marine Fisheries knows the problem with the orca (that this proposes to address) is not boats, but food. And you also have to know that the statement which excuses this lack of food: There are not enough chinook salmon for the orca" has nothing to do with the real caus3s of the orca's plight. Yet you continue to use this lie to the making of regulations and proposals, such as this, to restrictions on the Sound, to restrict and therefore take property as ~~justification~~ justification.

As I know, you know that it was the commercially allowed extermination of in-Sound groundfish, the main food source for orcas, We lost true cod, black cod, pollock andhake. All reduced to such insignificance that the harbor seals were able to eat what was left. This boat restriction is the pretense of doing something when you know you can do nothing.

February of 1988 I attended the hearing on sport regulations at community college Everett, Washington. Telling those present that this dragging was exterminating the true cod. That it had to stop and stop now if we were to save this resource. Groundfish managers Greg Bargman and Mark Peterson were present. The next day both Peterson and Bargman were at the Shilshole launch ramp, Ballard, and off to Agate Pass (Port Madison).

This at a time of year when ordinarily one would find tens of thousands of spawning true cod and hundreds of persons jigging for them. My reliable information was they found none and no one who had caught any. The dragging did not stop. It continued to April of 1989 when the legislature put a stop to it. Talk about ignorance and arrogance and deliberately extermination. We have it all here. The worst of imaginable environmental catastrophes and malfeasance.

I have copies of everything, statistics and letters. I wrote house and senate natural resources, the press, individual legislators and Governor Booth who replied that he had absolute donfidence in his director Joe Blum. The only response was Senator Jack Metcalf. He held hearings Statewide summer of 1988 and the legislature passed a law prohibiting dragging south of Foulweather Bluff. The problem being that the true cod returned to areas north of Foulweather after spawning. That was the end and by 1996 the harbor seals ate the last of the hake and this was the first report that the orca were starving.

II

October 19, 2009

Schloredt to National Marine Fisheries

Incidentally Fisheries was ~~xxxxxxxxxxxx~~ determining the amount of true cod by how many the draggers reported catchin per hour. My method involved my own sampling, talking to hundre of other anglers who were fishing for cod and getting daily report of commercial landings, "A" Dock, Shilshole Marina. Fisheries was mandated to manage these resources so as not to impair the supply thereof. They destroyed it. And now you assist that they can cover it up.

Do you have any respect for your job or for yourselves? The resources destroyed were in the least worth hundreds of millions of dollar to this state. Consider the economic value of the true cod as a sports opportunity. or the value of the orca to those who just wanted to see one?

If your organization will not be up front with the public telling just exactly what happened as I have outlined it here, letting the chips fall as they maythen I am pretty certain that I can do it for you and that I have statistics and documentation that leaves no doubt. Moreover citing as what I see as your involement and coverup.

I am certain that there are more than just a few newspapers who could be persuaded to make in-depth reports on this. Do you work for the people or do you work for the commercial fisheries? Does it matter? It is not about them, but you, Pacific Management Council and Washington State Fisheries. Reporting on this is not my job, it is yours and I suggest you do it. Also that you drop this boat free zone, that you stop using fisheries malfeasance as an excuse for politics and coverup.

I apologize for you. I am sorry for this letter and doubly sorry that you, Management Council and WDF make it possible. I sincerely hope that you do not compromise yourselves any further.

I ask you drop the boating zone. You and I know it is nothing but cheap politics and pretense. I also ask ~~xxxx~~ you be upfront report honestly to this catastrophe. That lets you off the hock and aquits you in an honorable fashion. PLEASE!

That you enter this as testimony to your boat proposal.

Conrad Schloredt

Conrad Schloredt
14504 11th Ave N. E.
Arlington, Wa 98223-5412

ENCLOSURES 1.

Seattle Times
4-14-2004

Joseph R. BLUM

A Davis California resident, died suddenly on April 7th, 2004 in Sacramento, California. He was 64.

Joseph had a life long career working towards the conservation of fish, wildlife and the environment. It was important to him that these resources be managed so that his children, grandchildren and future generations could enjoy them. He has certainly left his mark and the world is a better place because he was here.

He is survived by his wife Mary Jane of Davis, CA; son Caleb Michael Blum and wife Monica of Seattle, WA; daughter Michele Permenter and husband Don; grandchildren Logan Joseph Permenter, Avery Lauren Permenter and Caleb Henry Blum.

A Memorial Service will be held at the Nisqually National Wildlife Refuge in the state of Washington on Friday April 16th at 6:30 p.m. Family will be present starting at 5 p.m.

In lieu of flowers, donations may be sent to Friends of Nisqually National Wildlife Refuge 100 Round Farm Rd, Olympia, WA 98516.

Not mentioned that Blum ws Director of State Fish & Wildlife. Poor Joe Blum. I am certain he had deep shame and remorse for what happened

I know that you have not been able to train the Puget Sound Orca to eat harbor seals as his out of sound cousins do, but as that represents the only way that Puget Sound can be saved, I hope you keep trying.

CAS

The one thing NOT MENTIONED WAS HIS DIRECTORSHIP AT WA. FISH & WILD LIFE. IT IS TOTALLY INCOMPREHENSIBLE TO ME AS TO WHY THE DELIBERATE distruction OF PUGET SOUND. AGAIN I ASK FOR HONESTY. GOOD decisions CANNOT BE LIE BASED

CAS

Orca passes on his trick for catching gulls

HERALD 9-2-2005

A captive killer whale lures birds to the pool edge with fish and waits for a meal.

ASSOCIATED PRESS

NIAGARA FALLS, Ontario — An enterprising young killer whale at Marineland has figured out how to use fish as bait to catch sea gulls — and shared his strategy with his fellow whales.

Michael Noonan, a professor of animal behavior at Canisius College in Buffalo, N.Y., made the discovery by accident while studying orca acoustics.

"One day I noticed one of the young whales appeared to have come up with a procedure for luring gulls down to the pool," Noonan said. "I found it interesting, so I noted it in my log."

First, the young whale spit regurgitated fish onto the surface of the water, then sank below the water and waited.

If a hungry gull landed on the water, the whale would surge up to the surface, sometimes catching a free meal of his own.

Noonan watched as the same whale set the same trap again and again.

Within a few months, the whale's younger half-brother adopted the practice. Eventually, the behavior spread, and now five Marineland whales supplement their diet with fresh gull, the scientist said.

"It looked liked one was watching while the other tried," Noonan said of the whale's initial behavior.

The capacity to come up with the gull-baiting strategy and then share the technique with others — known as cultural learning in the scientific world — was once believed to be one of those abilities that separated humans from other animals.

But biologists have since proved certain animals, including dolphins and chimps, do this.

"This is an example in which a new behavior spread through a population," Noonan said. "We had the opportunity to see a tradition form and spread in exactly the way that cultures do in humans."

He first reported his research in August at the U.S. Animal Behavior Society Conference in Utah. Since then, he said, his phone hasn't stopped ringing.

SUPER SATURDAY

WORTH

No-Go Zone: For Public Record

Thank you for allowing me to speak in opposition to the proposal to enact a No-Go Zone on the Southwest coast of San Juan Island. My name is Michael Dunnigan and I am the owner of Sea Hawk Salmon Charters based in Anacortes, WA. I am also a member of The Charter Boat Association of Puget Sound and National Association of Charter boat operators. I have operated my charter since September of 1991. I have also fished the waters of the San Juan Islands for 50 years.

I use the waters within the proposed No-Go Zone during the summer months for fishing salmon because the area provides my clients a highly productive and quality salmon fishing experience. This is my prime fishing grounds from August 1 through the close of the season October 31. During this period of time I make around 20 fishing trips per month and stay on the fishing ground about 8 hours per trip. During these trips I encounter whales about 1/3 for the time. This whales encounters last around 10 to 20 minutes depending on there numbers. They just pass me by on their way up or down the coast. The whales don't seem to be afraid or even concerned at my presents. The whales do not alter their coarse suddenly to avoid the fishing boats, they just swim by. I do not stop fishing and follow along, chase or try to intercept them, I just watch them pass by.

I stand opposed to the proposed No-Go Zone for the following reasons.

* Small fishing vessels fishing at a trolling a speed of 1 to 1 ½ knots pose no interference to whales traveling or feeding in the area. NOAA says these vessels generally move slowly and in usually predictably straight paths, which reduces the risk of strikes to whales. Their primary concern at this time is the sound from small, fast moving vessels, which is not applicable to a recreational fishing boat trolling for salmon at 1 to 1 ½ knots.
* Closing this area will create a hardship to a great number of fishing charters and recreational sportsmen that will be felt in the local economy. **"Under Alternative 5 (1/2 mile No Go Zone) a small number of recreational boaters and fishers could be inconvenienced as described under Subsection 4.5, Recreation. The overall number of boats on the water (as described in Subsection 4.1.4, Effects on Southern Resident Killer Whale Critical Habitat), and the economic value to the local economy from recreational boating and fishing wild not be expected to change in comparison to the No-action Alternative.** NOAA says that the ½ mile No-Go Zone will not have a significant impact on recreational fishing as those that now fish the zone area, can fish elsewhere. They say, Impacts to recreational fishing in Puget Sound would thus be negligible. NOAA did not consider or factor in that the State has already closed a very large portion of Marine Area 7, the Southern Rosario Strait/Eastern Strait of Juan de Fuca to fishing during July, August, and September. This will add another large productive fishing area to the closure list and drive Sportsmen to fish less productive areas during the height of the summer fishing season. Anyone that knows fishing in the San Juan Islands, knows that this is where the Salmon are during August through October. That is why the Native and Non-Native Commercial fleets, Charter boat, Recreational boat, and Killer Whales fish in the proposed No-Go Zone. NOAA would have found this out if they

would have interviewed Charter fishing boats and recreational fishers that fish in the area. I know all the Charter boats in the area and non were interviewed.
* Closing this area will have no effect on the well being of the Killer Whales health or numbers. The rang of the Southern Resident Killer Whales is so vast that closing this comparatively small area cannot be justified and makes no practical sense.

If this proposal in granted. My clients will see a decline in the quality of fishing that they have come to me over the years to provide and expect. They will then go elsewhere for their fishing experience as my business withers.

Thank you for your time.

Michael Cunningham
1620 So. 15th ST
Mount Vernon, Wa 98274
owner of Sea Hawk Charters
anacortes -

1416 W. Lake Sammamish Pkwy SE
Bellevue, WA 98008

January 11, 2010

Regulations on Vessel Effects

National Oceanic & Atmospheric Administration
Northwest Regional Office
7600 Sandpoint Way NE
Seattle, WA 98115-0070

DEAR NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION,

My name is Gary K. Johnson. My residence in the winter is 1416 W. Lake Sammamish Pkwy SE, Bellevue, WA and in the summer P. O. Box 74, Waldron Island, WA. I have been a resident of Washington for 47 years. I have sport fished along the Shore of San Juan Island from Cattle Point to Open Bay and along the Shore of Stuart Island to Turn Point every summer for 45 years. I have observed this route of the Orcas every year during this time period.

I would like to ask, "What scientific proof do you have that the Orcas are not getting enough fish to eat on this route and that the causes are sport fishermen, kayakers and whale watching boats?"

If there is any "scientific proof" that the whales are not getting enough salmon to eat (which I have never seen) could it be that the problem is that there are not enough salmon? Should you be focusing on increasing the salmon population by putting your emphasis on spawning areas and removing impediments to spawning salmon, such as dams and increased populations of seals? Should you be putting your efforts into removing toxins and pollutants from the water so they do not accumulate in the fish? Science and management teach us to always focus on the "root cause" rather than symptoms. In this case, I think you have neither identified the true "symptoms" nor the "root cause".

My anecdotal observations are that the whales are extremely efficient fishermen. Ask any sport fisherman who has observed the schools of Pink Salmon coming in on the in-coming tide, followed by the Orcas. When the Orcas come through following the school, you might as well pull in your lines because the whales have scattered the school and taken their fill and there are no more fish for you to catch. You'll have to wait for another school of fish to come in on the tide or move to another location.

Because you cannot restrict Native American purse seiners and gill netters from operating within a "No-Go Zone" because of treaties, what positive effect could your proposed restrictions have if your "scientific evidence" shows the whales are being denied fish? If the whales can negotiate the length of the nets stretched almost from the shore with one purse seiner stacked one after another 6 to 10 deep down the shoreline, what impediment do the few scattered sport fishing boats pose. Let me report my anecdotal evidence that the whales

know where every net and boat are and skillfully navigate between every one of them catching their fish as they follow the tide. Science shows that the "sonar locator" of the whales is at an entirely different frequency than any "noise" emitted by boats or their electronics. It makes no logical sense to add another restriction to sport fishing nor to the hard pressed commercial fisherman trying to make an honest dollar in a constantly declining fishery.

If you impose a "No-Go Zone" as described in your proposal, you will eliminate all sport fishing, while still allowing the native tribes to place their gill nets within this zone. Every fisherman knows the fish move up the Shore of San Juan Island within the proposed "No-Go Zone" (that's why the whales follow the shoreline and are not fishing out in the middle).

British Columbia and Washington have built an impressive whale watching business. People come from all over the world to see the whales. They become your allies in protecting and propagating the whale population. They will not pay the prices currently charged by these operators to watch a splash in the water at 200 to 300 yards or an even smaller splash viewing from outside a "No-Go Zone".

From my observations over the years, things are working as they are now. I think you are getting side-tracked by a minority of people who regard the whales as theirs; feel that nobody should enjoy them except on terms the minority wishes to impose and jumps to conclusions about solutions without ever identifying a real problem.

When I moved to Washington in 1962 there was no salt water fishing license required, no punch cards to fill out and return and the regulations were brief and direct. As the years have passed the government has required multiple licensing requirements, increased fees, complex fishing regulations, closures in a hodge-podge of geographical areas with dates and times that make no sense. It now requires a Philadelphia lawyer with the latest global positioning equipment and a chronograph to interpret the regulations. And now, you want to add some more?

And the results of all of this are fewer fish available for sport and commercial fisherman! My anecdotal facts lead me to the conclusion that the more we allow the government to interfere the more we can expect the outcome to be a disaster!

Sincerely,

Gary K. Johnson

September 30, 2009 1/25/10 DDC

Ms. Lynne M. Barre and Mr. J. Brent Norberg
National Marine Fisheries Service, Northwest Regional Office
Protected Resources Division
7600 Sand Point Way NE
Seattle WA 98115

Re: Comments to Proposed Recovery Plan for Southern Resident Killer Whales

Dear Ms. Barre and Mr. Norberg:

I am a lifelong sports fisherman, and consider myself an advocate for the Puget Sound Orca whales. I disagree with your premise to close the West side of San Juan Island to boat traffic, as a means to encourage the Orca pods to thrive. The Orcas I have witnessed have not been concerned in the least about my vessel's presence, other than to show curiosity. There are current laws to protect these great animals, and further restrictions are not the answer to the environmental, economic and practical problems the whales are encountering.

Sports anglers on the whole are stewards of our environment and can help the process of protecting both the whales and the resources needed for the long term health of Puget Sound. Rather than restricting access to the San Juan Island shoreline by sports anglers, I believe that by working together with the various user groups, a plan can be devised to enhance the Orcas environment. The taxes, fees and other financial contributions to the economy that the sports fishing community contributes to our local economy can only help support these ends.

Sincerely,

Doug Campbell

Doug Campbell
9108 171st Ave SE
Snohomish, WA 98290
Member PSA & CCA

January 13, 2010

To: NOAA Fisheries

From: Polly Fischer
State Board President
Puget Sound Anglers
Anacortes, WA
98221-1513

Re: Orca Exclusion Zone

To whom it may concern:

We would like to go on record opposing the closure zone being proposed for the west side of San Juan Island to protect the resident Orca pods.

The topic of the closure of the west side of Jan Juan Island has been a very hot issue. We have had our Puget Sound Anglers Natural Resources Committee, Eighteen Chapters, State Board, and Chapter presidents, and statewide membership working through the data of this closure. We have sat in on the NOAA SJ Closure meetings. We have come to the conclusion that this closure is not based on valid scientific data. We would like to know where this proposal originated and what science supports it. What is the scientific background of the person(s) that is originating this agenda. We have seen no defensible scientific data to support this proposal.

While we have concerns regarding the Puget Sound Orca population, these proposed restrictions do nothing to address those concerns. The restrictions imposed by this proposal, in our opinion, does not seem to be justifiable, considering the best available scientific data.

Thank you for the opportunity to provide comment for the decision making process. We are looking forward to your response.

Polly Fischer

Sincerely,

Polly Fischer
State Board President
Puget Sound Anglers -18 chapters.

Cc: Dr. Jane Lubchenco

September 30, 2009

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

RE: Regulations on Vessels Effects – San Juan Island

Dear Ms. Barre:

Please do not prohibit recreational boating and fishing on the west side of San Juan Island.

As a life-long resident of Edmonds, I am passionate about and respectful of our resident and transient Orca populations, the San Juan Islands, our fragile waterways, and our northwest salmon stocks. I am also an avid recreational boater and selective angler. I consider myself experienced, confident, and prudent with regards to safe operation of our vessel while complying with navigational and current marine wildlife laws and restrictions; and I am raising my three young boys to achieve the same level of responsibility.

I understand that promoting recovery of ESA listed species, such as the Orca, may require sacrifice by some or all interested parties. Since learning of this possible closure area, I have honestly remained open-minded and tried to research the issue thoroughly so that I may better understand the intended outcome for the benefit of the beloved Orca. Today, as I prepare to attend the public meeting at the Seattle Aquarium, I remain entirely unconvinced that this closure will be effective, warranted, or even fair.

In a letter to you dated February 25, 2007 from Amy Trainer, "Friends of the San Juans" urged the following:
"The new vessel distance guideline needs to be combined with a local no-wake zone off the west side of San Juan Island which is an acknowledged part of the "core" area of critical habitat."

How did this proposal develop into a full recreational closure with no impact on commercial or tribal fishing operations? Anyone who has fished the west side of San Juan Island during whale watching and gillnet seasons will tell you there cannot possibly be any activity as disruptive to Orcas as commercial/tribal fishing activities.

Is the recreational closure proposal due to lobbying efforts? Is it a blunt-force effort to solve a lack of funding or an inability to enforce a no-wake zone? If either or both are true, then I believe this to be a failure of government on every conceivable level.

If it were proven to be beneficial to Orcas, I would fully support a no-wake zone on the west side of San Juan Island, with designated entry and exit points along the way. I am absolutely convinced that any recreational activity in this area will police itself under current or revised distance regulations for the benefit of the Orcas.

Respectfully,

James Fahey 613 2nd Ave N Edmonds, WA 98020 206.529.5091

September 30, 2009

Re: NMFS San Juan Closure

There is no scientific proof that the interaction of humans with marine mammals harms the marine mammal.

PCB levels may affect marine mammals.

There is also no scientific proof that sportfishing disturbs or harms marine mammals.

The proposed closure would not only impact the recreational fisherman but also will "slam" the economy of the San Juan Islands.

Respectfully submitted,

Nelson & Kathy Goodsell
Puget Sound Anglers (member)
IFGA (member
14645 191st Avenue NE
Woodinville, WA 98072

September 30, 2009

RE: NOAA/NMFS San Juan Closure

I am against the proposed closure of the West Side of San Juan Island for sportfisherman along with the new vessel distance guideline of 1/2 mile with a no wake zone.

There is simply no scientific proof to back of the claims brought forward.

The Puget Sound Anglers/CCA/IFGA contribute millions of dollars to the fish enhancement cause. The proposed closure will have no effect on the marine mammal population and will devistate the ecomomy of the San Juan Islands.

Thank you,

Anthony Warren
CCA (member)
Puget Sound Anglers (member)
Seattle, Washington

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.

Your NO GO ZONE proposal should not happen. ENFORCE the rules you have NOW - Clean-up our waters & the salmon, allow more salmon down from Canada - DO NOT TAKE AWAY use of public land & water - because NO MATTER WHAT - we (the public taxpayers) won't EVER get it back.

I have Kayaked all around the San Juans & there is no greater spot than the WEST SIDE of San Juan - some times we see whales & some times we don't - it is a bonus if we do - but they never seem to pay much mind to us - we are like floating logs out there. Do you ever walk around your Pet because it's in the way? Should you just get rid of it???

Sept. 30, 2009

Assistant Regional Administrator
Protected Resources Division
National Marine Fisheries Service

Re: Proposed vessel regulations.

Dear NOAA Fisheries Service,

I question the validity of allowing commercial fishing in the proposed closed zone on the west side of San Juan Island for economic reasons.

I recall hearing an "expert" talk at a Rotary meeting a few years ago about the economics of sport fishing vs. the economics of commercial fishing. What I remember him saying was that per pound of fish caught by commercial fishermen, less than two dollars were spent supporting the local economy. The per pound benefit from fish caught by sports fishermen was in the neighborhood of several hundred dollars. Even if this is exaggerated, it would seem that sport fishing would be the better use of the area. If the economic benefit is better by allowing sports fishermen to use the area rather than commercial fishermen. Then why bow down to the commercial side? Please research this and see if what I'm saying about the economics is accurate. It certainly is from my personal experience. My own fishing probably costs me closer to five hundred dollars per pound.

I do like fishing along the shores of west San Juan Island. It is beautiful, holds more fish than anywhere else in the San Juans, and is the most likely place to enjoy a pod of whales coming through. Having had whales swim under my boat while fishing was certainly a thrill, and had I been a bother to the whales, they surely would have veered away from my position. Perhaps the whale decline is due to the decrease of their feed, the salmon. It is no secret that the salmon runs are not as good as they were 30 years ago. Perhaps if the commercial fishing were more restricted, there would be more fish for both the sports fishermen as well as the whales. If I am prohibited from fishing in my favorite area, West San Juan Island, I will no longer fish in Washington and will only buy a Canadian license. I know I am not alone in that thought.

I would like to have you keep the proposed closed area open for sports fishermen. If it is determined that restricting vessels in the area would in fact protect the whales, then by all means close it to <u>everyone</u> with the exception of people actively accessing their own property.

Sincerely,
Robert Bjerk

Robert Bjerk.

2506 Oregon Ave
Anacortes WA 98221
360-293-2468
bjerk@comcast.net

Subject: Regulations closing the west side of San Juan Island to kayaks
From: Tom Reynolds <treynolds@seagen.com>
Date: Sat, 08 Aug 2009 12:49:45 -0700
To: Orca.Plan@noaa.gov
CC: Mariluz Villa <mariluzv@earthlink.net>

I am a resident of Brown Island, a small island off the east coast of San Juan Island. My wife and I are avid kayakers, and kayak year round throughout the San Juan's and into the Canadian Gulf islands.

I am disappointed that NOAA is recommending closing the West Side of San Juan island to all boat traffic within a considerable distance of shore. I have a number of concerns with this approach:

Closing the paddling corridor within ~1/2 mile of the shore on the West Side effectively removes the ability to safely circumnavigate San Juan island. We have done this paddle a number of times with our own boats, and found it a splendid outing, especially with the ability to camp at the County Park in Smallpox bay. Circumnavigating kayakers would be forced to monitor their position closely to avoid entry into the shipping lanes, which poses considerable risk to self-powered craft. Closure of this west side corridor to self-propelled water craft would be a considerable detriment to the San Juan Islands paddling experience.

Risk to whales posed by kayaks – the majority of the data regarding personal watercraft and cetaceans come from studies with dolphins, although there are some larger whale studies cited. It is unclear whether these data are clearly relevant to the current situation. Further, given the paddling speed of most kayaks (3 mph), it is clear that kayaks cannot keep up with swimming whales or meaningfully chase them. The existing regulations, including a 200 yard exclusion zone, should be sufficient to separate kayaks and orcas. I believe most kayakers are very environmentally oriented, and will respect the regulations regarding separation distances.

Other threats to the orca – it is unclear why NOAA is not actively continuing towork to ban high intensity sonar from the San Juan islands and other orca zones. The data seem (to a layperson) to be more compelling about sonar harm to whales as compared to the data on motorized boat traffic. It would seem that this much more serious threat to cetacean health and well being should be the focus of regulation.

Thank you for reviewing my public comment. I believe that kayaks and other non-motorized watercraft should not be prohibited from a mandatory west side exclusion zone, but instead be subject to 200 yard exclusion zone from the orcas.

Respectfully,

Thomas C. Reynolds, MD, PhD

Lot #11, Brown Island

360-378-5915

Subject: orca plan for san juan island
From: Scott Swanson <surfrider@gmail.com>
Date: Tue, 11 Aug 2009 11:42:00 -0700
To: Orca.Plan@noaa.gov

To whom it may concern,

As an avid advocate for, and learner of cetacean life as well as an experienced kayaker, I object to your plan to close the west side of san juan island to man-powered craft. I see your plan as a 'quick-fix' to deal with the threats to the resident orca subspecies in Puget Sound. Clearly a much more complex problem, likely brought on by pollution, reduction of food source from overlogging, motorized craft and tanker traffic, and likely other factors, are playing a much more threatening role in the challenges that this group of whales face.

I've personally been paddling along a cliff face, on the EAST side of San Juan Island when a pod of residents came along. It was one of the most remarkable experiences of my life to witness as they swam by my kayak, it altered my appreciation for these cratues and caused me to become a strong whale advocate ever since. An experience that would have paled in comparison had I been in a large boat or yacht. I'd argue that it is just these experiences that will help change the minds of people and ensure support for these whale's survival.

To say that kayaks paddling in the same waters as orca whales is threatening to their species seems like a very big stretch. And more importantly, a ban on such activity will limit the public's understanding and opportunity to appreciate what a remarkable asset they are to our waters and why they need to be protected from the more glaring threats to their survival.

Sincerely,
Scott Swanson
San Francisco, CA

Subject: Closing west side of San Juan Island to kayakers
From: Scott Lanier <scott.lanier@comcast.net>
Date: Thu, 13 Aug 2009 21:12:34 -0700
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

Closing the west side of San Juan island would cause a big increase inthe need of emergency response to possible marine emergency of kayakers who would normally paddle to shore would now have to rely on local emergency services or coast guard. This is a very active area for paddlers to come and experience San Juan paddling.

Sent from my iPhone

Scott Lanier
Scott.lanier@comcast.net
360-969-3520

Subject: Orca plan
From: David Connelly <ConnellyAppraisal.Inc@comcast.net>
Date: Fri, 28 Aug 2009 07:18:27 -0700
To: Orca.Plan@noaa.gov

To Whom It May Concern:

After reading about the possible closure along the west side of San Juan Island to protect the orcas. I was appalled to learn that dragging a 400ft Commercial seine net from a boat right up to the shore there by blocking the path of any fish, bird or mammal does not harm orcas or cause distress, but a single small boat trolling at 2 miles per hour does. Have any of you ever walked the Cattle Point Beach after the commercial boats have been out. My last trip I needed to explain to my kids why there where hundreds of dead birds and a few dead seals on the beach.

Yes there maybe hundreds of recreational fishing boats along the west side of the island a few days of the year, but more than once I have seen miles of gill nets and seining boats aggressively working the same area. Apparently BEST science has not answered all the questions, nor could your spokes person when asked this question directly. One small user group should not be banned when even my small children could tell you the whale chaser site-seers and commercial nets cause more distress to the orcas.

Thank you,

David Connelly
Owner and Chief Appraiser

Connelly Appraisal, Inc.
PO Box 2277
Bothell, WA 98041-2277
425-806-0401 office
425-424-9375 fax
ConnellyAppraisal.Inc@comcast.net

Subject:
From: Paul Dent <paul@griffinmaclean.com>
Date: Mon, 31 Aug 2009 16:25:32 -0700
To: Orca.Plan@noaa.gov

This plan to close San Juan Island makes no sense. Allow commercial fisherman etc to continue doing what they do but penalize the sports fisherman? Please.

Paul Dent

Subject: Shutting down SJI West Side
From: Jordan Nash <jordan.nash01@gmail.com>
Date: Tue, 04 Aug 2009 17:35:35 -0700
To: Orca.Plan@noaa.gov

I hope you have time to take into consideration the following:

The west side of San Juan Island is a very lively place, both for humans and animals. We are just as curious as they are. As we learn more about the wildlife, we still will not know everything. Having access to the West Side via boating and kayaking is a very unique and pleasant experience. I understand the importance of saving the Orca population but you have to ask yourself one simple question: Are kayakers a truly reasonable explanation for the diminishing Orca population? If we can determine the validity of the prior statement, I believe the majority of citizens in the United States, having no idea about the current situation (similar to a jury without being given the evidence) would give an answer of no. This reasoning is common sense, I mean what could a kayaker possibly do to harm a whale or help diminish the Orca population?

Truthfully, I can see the shut down of whale watching boats as they are much noisier and a greater nuisance to the whales than smaller fishing vessels and kayakers. Also, these whale watching boats, no matter the size, tend to follow the whales.

But is it really the time to be cutting out nearly 75% of the island's income? With no whale watching service, which is on every tourists mind when they reach the islands, how could a striving population dwell with a decrease in capitalism? The whales bring tourists, tourists take the ferry and come to Friday Harbor and spend money in the gift shops and help build the economy. Each tourist needs a place to stay, expanding the hotels business. Boaters stay at marinas such as Roche Harbor and the Port of Friday Harbor. No whale watching simply cuts back the whole point of visiting the islands. Less tourists means less money coming into the system and the trickle down effect follows all the way to every islander at heart.

This is only part of the problem as, from what I hear, Victoria BC is still dumping their waste in the bay. To me, pollution from such a large city is more of a problem than the boating on the islands, but it is not my ground to cover or my turn to lay blame to Canada or Victoria.

I hope this letter helps you determine whether this shut down of the West Side of the island is necessary. I think we need to take a look at what the REAL problems are. If we have more Whale Police to give tickets to people getting too close, that is a real world solution.

Once again, thank you for your time and I hope to see a very active and lively West Side, with boating and kayaking in full participation with any regulations. I understand it is a tough decision, but with the economy not at its best, this is neither the time or situation to shutdown businesses because of an endangered species. I am all for protecting the Orcas, but in the long run, we need to find more information about what the TRUE problems are and approach them with confidence and take down the problem at the heart. I do not wish to see the San Juan Islands economy collapse because of a failed attempt at attacking the right problem with the wrong solution.

Thank you for your time!

Jordan Nash
jordan.nash01@gmail.com

Subject: San Juan Islands Shoreline restriction
From: Sam Buck <sambuck@sanjuanislands.com>
Date: Tue, 04 Aug 2009 17:37:50 -0700
To: Orca.Plan@noaa.gov

I used to be a commercial fisherman, I grew up here and have watched Orca's for a long time.

They don't follow our rules. They go where the fish are or where ever they want to. There is little that is sacred about the shoreline other that it is nice when they come in so that you can see them better.

Very often, one can be keeping ones distance from one set of whales when another will flank you. If your engine is off so that you will not bother the whales your watching or since they are getting closer, one turns off ones engines one has no control, because the whales don't know the rules.

This is very common and you are creating a world of paranoia & fear by thinking you can make rules to fix the problem.

Continual creative education is the best answer. The Whale Museum and Sound Watch provide such help and with more support could provide much more support.

By far, most people are concerned and do their best to do the right thing. Most offenders are uneducated and they will be offenders until they are educated. It does not take prosecution. There are always a few that push the envelope, but they are rare and can be dealt with without making broad brush strokes that usurp our freedom and try to lay down yet another invisible line to deal with.

I am not a fisherman, but limiting their enjoyment of the coast line for all of the time that the whales are not there is frankly outrageous.

What about kayakers? How about diver's ? Sail boats? May be you should ban people casting off of the rocks for fish. If people wanted to be evil or vindictive towards the whales there are lots of ways they could do so despite your rules and you are just irritating more and more people.

Again, please consider education and peer reviewed science before you consider taking our freedom to live with the very nature that sustains us all. DO YOU HAVE PEER REVIEWED SCIENCE TO BACK UP SUCH ACTIONS? I am not asking if you have consensus from those within the same group. It would seem prudent and moral that one would only make decisions that literally take away our personal freedoms based on legitimate science that stands up to the scientific scrutiny of those who have studied the subject matter.

I love the whales and what is hurting them most is the constant barrage of toxins being dumped into our waters via storm water runoff from high population centers, agricultural run off and municipal sewage. No one has enough money to filter all of the sewage, but we can start a major and massive effort to constantly educate our whole population about

the consequences of their choice of products to use. Not just pamphlets, I mean a true creative marketing campaign. We need to spend time and money cleaning up our act, not hassling the people that have the most love and understanding of our wildlife.

- Sam Buck

Sam Buck, Realtor
Laura Boulton, Realtor, Licensed Assistant
Coldwell Banker/San Juan Islands, Inc.
105 Spring St / PO Box 100
Friday Harbor, WA 98250
360.317.6277 Cell
800.451.9054 Toll Free
360.378.2101 Office
360.205.0655 Fax direct
360.378.2998 Fax office
www.SamBuck.com

Subject: Orca Plan for San Juan Island means missed opportunities.
From: Kiliii Yu <kiliii@dancinghawk.com>
Date: Thu, 06 Aug 2009 17:45:11 -0700
To: Orca.Plan@noaa.gov

Hi there,

I run a program in native skills, teaching indigenous ways of life to students across the nation, who come to our program on the Oregon Coast. A large portion of the yearlong immersion program consists of sea kayaking, as the students build their own skin-on-frame kayaks and then learn to paddle them.

Each year we travel to San Juan Island many times to learn about Pacific Northwest bioregional ecosystems and coastal foraging. Closure of the west side of San Juan would mean a huge missed opportunity for many disadvantaged kids to learn about the ocean and about marine mammals, orcas in particular. We work with quite a few native kids, and the program really changes their perspective on their own cultural heritages as well about the natural world.

I think shutting down sea kayaks makes less sense-- from our perspective the connection to the natural world is being lost, not due to a lack of education, but due to a lack of hands in the water. I hope my students as well as our children in the future will all have the opportunity to not only that orcas continue to exist, but that they can see them, know the sound of their blowholes, and have directly experienced the food chain from bottom to top.

kiliii yu
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kiliii@dancinghawk.com
Hunting, Gathering and Native Ways: www.dancinghawk.com
Naturalist Photography: dreaming.kiliii.net

Subject: Orca no go zone Regulations on Vessel Effects
From: Sawyer Miniken <sawyerminiken@rockisland.com>
Date: Thu, 06 Aug 2009 12:58:41 -0700
To: Orca.Plan@noaa.gov

I am against the no go zone off San Juan Island for all boating. Please don't make a rule that will effect our economy and our sport fisheries like this one will. Doesn't science show that depleted salmon runs are the main indicator of whether the orca population is growing or shrinking? Thanks for considering my comments.

Jason Miniken
San Juan Island
715D Larson Street
Friday Harbor, Wa 98250

Subject: Orca plan
From: Jonathan Bryan <Bryanjw@rockisland.com>
Date: Thu, 06 Aug 2009 20:28:51 -0700
To: Orca.Plan@noaa.gov

Perhaps you have put forward a plan to provoke controversy, or maybe not. But if you come up with a plan that antagonizes most people, it won't be followed. For people to drive the speed limit, they need to be convinced it is in their best interests. Many people speed, few get tickets. Do you have enough enforcement capability to make this work? Reading your press releases, I don't understand your solution. If it's the high speed noise that travels through the water and is a problem, limit speed. If coming within 400 yards may change whale behavoir, limit distance to 400 yards. I live on Mitchell Bay and can attest to the fact that most days from May 1 to Sept. 30 there are no whales, so why not be able to use the waterways when no whales are present? I really don't like all the boats that follow the whales around, but on the other hand, they help people who have never seen a whale to understand and support efforts like yours.

I think establishing a larger radius around whales, limiting boat speed, and continuing the education organizations such as Whale Watch are doing is the way to go. But not allowing people to use waters, such as San Juan County Park, or the diving off the west side of San Juan Island, because whales occasionally, pass by seems an over reaction.

Jonathan W. Bryan

Subject: vessel restrictions regarding Orca, West side of San Juan Island
From: Patti Pratt <d-p.pratt@interisland.net>
Date: Fri, 15 Jan 2010 22:11:23 -0800
To: Lynne.Barre@noaa.gov

I have observed Orca from my place at Hannah Hts. on the due south side of san Juan Island since 1969. In those days Killer whales cavorted among purse seiners and dodged Ted Griffin as he tried to capture them for aquaria. Two teams of researchers spent three summers on my property observing interactions of whales and boats. I have noticed no differences in whale behavior or hunting routes over the years.

To close all inshore boating activity on the west side for five months each season seems draconian. What is the goal? How would we know if the goal is achieved? Without controlling all the other variables, how would we know if this one is important?

A few people have used very primitive methods to study whale-vessel interactions during a tiny and specific window into whale behavior. What are the behavior patterns at night and/or in foul weather when inshore boat traffic is missing? Public policy should be based on solid data and careful reasoning. I don't see either, but I'm willing to be instructed. I would appreciate a reply. Yours truly, Dale Pratt.

Comment on Vessel Regulation.eml

SRKW comment.eml

From: Clark Casebolt, Outdoor Odysseys Kayak Tours.eml

NOAA's Fisheries Service proposal of new rules.eml

Proposed Killer Whale Vessel Regulations.eml

DS NOAH-F Comments Jan 2010.docx

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killer whale regulations.eml

San Juan vessel regulation comments.eml

Proposed Killer Whale Vessel Regulations.eml

Subject: Orca, Regulations on Vessel Effects
From: Chester Knapp <chester.knapp@gmail.com>
Date: Thu, 14 Jan 2010 18:57:31 -0800
To: Lynne.Barre@noaa.gov

I would like to register my disagreement with the proposed closure of the west coast of San Juan Island to vessels in order to protect Orca populations. I attended the public outreach event at the Seattle Aquarium, and have read through the studies and the proposed regulations.

The closure of the west coast of San Juan Island will have a significant negative impact on the local economy, and I am not convicend that there is a corresponding improvement in the environment for resident Orcas. As a recreational kayaker who frequents the San Juans, this closes of a signficant amount of this states waters to me.

Sincerely,

Chester Knapp
7400 5th AVE NE, APT 203
Seattle, WA 98115

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The early bird gets the worm, but the second mouse gets the cheese.

Comment on Vessel Regulation.eml

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vessel restrictions regarding Orca, West side of San Juan Island.eml

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SRKW comment.eml

From: Clark Casebolt, Outdoor Odysseys Kayak Tours.eml

NOAA's Fisheries Service proposal of new rules.eml

Proposed Killer Whale Vessel Regulations.eml

DS NOAH-F Comments Jan 2010.docx

Subject: Opposed to "no boat zone"
From: tom@fishskagit.com
Date: Sat, 01 Aug 2009 15:42:59 -0400
To: Orca.Plan@noaa.gov
CC: Rob Endsley <rendsley@earthlink.net>, Rob Tobeck <rob@griffinmaclean.com>

As a recreational boater and fisherman I feel compelled to contact you to express my displeasure and disagreement with the proposal to restrict recreational boating on the west side of San Juan Island.

If I honestly believed that this restriction would genuinely benefit orcas, I would honestly consider it as a valid plan.

However, as an experienced boater and trained Fisheries Biologist, I have had the good fortune to observe killer whale activity many, many times and at NO time have I ever observed killer whales "avoiding" sportfishing boats, but I have seen orcas avoiding purse seines and gill nets, activities which would not be eliminated by this proposal.

Very simply, this orca plan is nothing more than "Agenda Science", a thinly veiled attempt at a marine "land grab" with no tangeable benefit to marine mammals and a very real detrimental effect on the sportfishing and charter fleets.

One would think and hope that NOAA would have better things to to with it's time and budgets than participate in an aquatic "witch hunt".

Sincerely,
Thomas J. Nelson (UW School of Fisheries '89)
Co-Host "The Outdoor Line" ESPN 710 Seattle

Subject: Orca Plan
From: Rob Tobeck <rob@griffinmaclean.com>
Date: Tue, 04 Aug 2009 10:54:11 -0700
To: Orca.Plan@noaa.gov
CC: tom@fishskagit.com

As a recreational fisherman and boater I feel that I have to notify you of my opposition to your proposal to shut down boating on the west side of San Juan Island. I feel that this is an arbitrary proposal designed to make people feel good but it will have no effect on the population or health of orcas in the Puget Sound.

I have had the pleasure on a number of occasions to witness these majestic creatures while out on the water both in the Puget Sound and off the coast. At all times, I as well as those around me have made every attempt to steer clear and give these orcas the space that they need. All recreational fisherman that I know of have respect the wildlife that they see while out on the water and do more than probably any user group to promote the health of Puget Sound and all of its species.

To punish the recreational fisherman by not allowing them to enjoy their sport at the best time of year and on perhaps at one of the best spot in the state is simply uncalled for. Recreational gear has NO effect on the health of orcas. Why punish these fisherman and allow the destructive techniques of the commercial interest to continue?

I believe that this move would also have a negative effect on the local economy. In these trying economic times to take away peoples access to prime fishing grounds would hamper their enthusiasm for going to the San Juans and spending money and therefore hurting the local economy.

Thank You,

Rob Tobeck
Griffin Maclean
Insurance Brokers
1-888-61-Tobeck
Fax 425-822-2737

Subject: A vote Against the plan
From: Jeri Ahrenius <jeri@jensenshipyard.com>
Date: Tue, 04 Aug 2009 16:08:30 -0700
To: Orca.Plan@noaa.gov

The Whales on the west side of San Juan Island are not worried about the boats, or the kayakers, or even the whale watch boats. To close the island to boat traffic is ludicrous. Not to mention, WHO could, or would, enforce such a ridiculous plan?

Please reconsider this drastic and unnecessary measure.

Jeri Ahrenius
San Juan Island Resident

Subject: PUGET SOUND ORCAS & HELICOPTER HUNTING
From: gcthomason@comcast.net
Date: Fri, 23 Oct 2009 13:41:52 +0000 (UTC)
To: Lynne Barre <Lynne.Barre@noaa.gov>, Lynne Barre <Lynne.Barre@noaa.gov>, orca plan <Orca.Plan@noaa.gov>
CC: KenSchram@komo4news.com

NOAA,
With regards to NOAA no-go zone proposal to protect Orcas from noise created by kayak and recreational fishing, this proposal would close recreational boater access to navigable inland waters of Washington State.
http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Killer-Whales/ESA-Stat

If kayaks and recreational fishermen noise is so disrupting to the Orcas, to the point of not being able to find a salmon, then why is it OK for news helicopters to hunt them for a 'photo-opportunity' ?

Seems to me that helicopters hovering over whales make way more noise than me while I am fishing for salmon. This morning, the newscasters said they would be out there again today - hunting for the Orcas !

Maybe I just don't understand the science ?

Gary Thomason
23103 23 Ave West
Brier Washington

Posted on the WEB 10/23/2009

http://www.komonews.com/home/video/65656787.html?video=pop&t=a

There she blows! Orcas grace waters off W. Seattle

Air4 caught a pod of orcas swimming Thursday afternoon. According to the folks at the Orca Network this is J and K Pods with a couple of orcas from the L pod. A NOAA research vessel is monitoring them, and ask that if the public sees them, please call their 1-866-672-2639 line to report them.

Subject: no go zone
From: john rettmer <hhljrettm@gmail.com>
Date: Sat, 24 Oct 2009 10:29:22 -0900
To: Orca.Plan@noaa.gov

Please do NOT create a No Go Zone . With statements like "no worldwide estimates of the total number of killer whales" and the use of words such as "hypothesis" , "believed to be" and "may be" in your statements, it seems to me to be more than a bit of a reach to blame peoples actions for fluctuations in populations. With polar bears at record numbers they where recently added too . It seems to be a political move more than science.
Thank you for your dedication to our wildlife but don't block us out needlessly.

John Rettmer

Subject: proposed no-go zone to protect killer whales
From: wrmac <wrmac@rockisland.com>
Date: Wed, 28 Oct 2009 11:28:58 -0700
To: Orca.Plan@noaa.gov

Assistant Regional Admin
Donna J. Darm
NOAA/NMFS
7600 Sand Point Way NE
Seattle, WA 98115

Dear Ms. Darm,

We sent the following letter to you yesterday without identifying ourselves, so we are sending it again.

Walter H MacGinitie and Ruth K MacGinitie

----- Original Message -----
From: wrmac
To: orca.plan@noaa.gov
Sent: Tuesday, October 27, 2009 7:13 PM
Subject: proposed no-go zone to protect killer whales

We strongly support NOAA's proposed rules prohibiting vessels from approaching any Orca closer than 200 yards and forbidding vessels from intercepting or parking in the path of a whale. We are, however, deeply distressed at the prospect of a half-mile wide no-go zone for vessels along the west side of San Juan Island from May 1 through the end of September.

We live near Hannah Heights on the west side of San Juan Island. We have a kayak, a small rowboat, and a small open aluminum boat with an outboard motor. For years, we and our family have greatly enjoyed going along the coast, perhaps with a picnic supper, or to do a bit of fishing, or just for the joy of being 'out on the water.' When cold, stormy weather threatens in October or November, we protect our boats by storing them away from the shore.

Regulations that would apply to *all* vessels would severely and uselessly penalize our family, and other families like us. We have in no way threatened Orcas that pass by. Our loss would be of no benefit to them. Nothing that could help the Orcas survive would be accomplished, and yet we would be denied the possibility of having moments on the water that have brought us such rich memories.

Surely the regulations could exempt in some way small boats that are local to the area. Perhaps owners of such boats could obtain license tags that would exempt those boats. Or perhaps the no-go zone could apply only to vessels that are more than, say, 20 feet in length.

We applaud NOAA's efforts to protect the orcas. We fervently hope that such efforts will well reasoned.

Sincerely,

Walter H MacGinitie and Ruth K MacGinitie

355 Kilsburrow Road
PO Box 1789
Friday Harbor

Subject: Proposed plan for Orca managment in San Juan Islands
From: Jim and Bev Collins <bev.jim@wavecable.com>
Date: Sat, 14 Nov 2009 15:40:21 -0800
To: Orca.Plan@noaa.gov

This message is to convey my expression of dismay and opposition to the proposed plan to restrict (eliminate) all but commercial salmon fishing watercraft within the specified zone along the southwest side of San Juan Island during the period May - September. This would have a substantial negative economic impact to all of NW Washington, as well as loss of legitimate recreational activity.

I attended the public meeting in Anacortes to learn about the proposal. It was astounding how ill prepared the two NOAA presenters were for the meeting. It became clear to all citizens attending the proposal has little or no science to justify the elements of the plan. Statistics presented were so totally off base that clear thinking staff would not have used them in the presentation. (NOAA statistics presented were compiled by an east coast contractor without factual knowledge of the locale, user activity and numbers, etc.)

We heard one of the "triggers" of import in this proposal is the evermore reduced numbers of wild salmon available to the orca foraging population.
Well, why is NOAA not strongly advocating eliminating a most obvious cause of this problem.....non selective net fishing. Non selective gill net fishing is one of the huge contributors to failing
wild salmon populations. The science of commercial fishing is well known, which includes a solution to non selective net fishing. HOW ABOUT DOING WHAT MAKES SENSE before implementing crippling regulation for the local economy and northwest sportfishing industry. Furthermore, regulation with inability to truly implement and enforce same leads to chaos.

This NOAA proposal is in opposition to best interests of citizens, with, at best, an unproven and theoretical benefit to the resource.
This was a consistent message to NOAA officials by the public attending the meeting.

NOAA efforts will be respected when they make sense. The existing proposal makes no sense for the resource, NOAA and citizenry.

James Collins
Stanwood, WA.

Subject: San Juan Island fishing
From: Glenn Ash <glenn@wallace-insurance.com>
Date: Mon, 16 Nov 2009 10:58:16 -0800
To: Orca.Plan@noaa.gov

To Whom It May Concern:

As a lifetime recreational salmon fisherman for the last 45 years in this state, my concern is over the erosion of opportunities to pursue this hobby and to do it safely. I believe the proposed changes will push recreational fishermen further off-shore into more risky waters or into greater concentrations in the existing good fishing grounds. With constricted seasons already in place, more restrictions will combine for more negative results. Whether it's greater "combat fishing" or going out into the "perfect Storm" grounds, proposed limitations could be deadly. As well, fishermen know that whales scare the fish away for us hook and line types. I leave an area when the whales show up. You are then basically talking about the whale watching industry that gets the closest or has the desire to get close to the whales.

Our local newspaper just reported on the birth of a fifth whale in the last year within the San Juan pod. It was mentioned that this is a high birth rate. Do we discount this fact or what is really going on?

Please leave the fishing opportunities as they exist in place for the recreational fisherman!

Glenn Ash

Subject: proposed no-go zone to protect killer whales
From: wrmac <wrmac@rockisland.com>
Date: Tue, 27 Oct 2009 19:13:35 -0700
To: Orca.Plan@noaa.gov

Donna J. Darm
Assistant Regional Admin
NOAA/NMFS
7600 Sand Point Way NE
Seattle, WA 98115

Dear Ms. Darm,

We strongly support NOAA's proposed rules prohibiting vessels from approaching any Orca closer than 200 yards and forbidding vessels from intercepting or parking in the path of a whale. We are, however, deeply distressed at the prospect of a half-mile wide no-go zone for vessels along the west side of San Juan Island from May 1 through the end of September.

We live near Hannah Heights on the west side of San Juan Island. We have a kayak, a small rowboat, and a small open aluminum boat with an outboard motor. For years, we and our family have greatly enjoyed going along the coast, perhaps with a picnic supper, or to do a bit of fishing, or just for the joy of being 'out on the water.' When cold, stormy weather threatens in October or November, we protect our boats by storing them away from the shore.

Regulations that would apply to *all* vessels would severely and uselessly penalize our family, and other families like us. We have in no way threatened Orcas that pass by. Our loss would be of no benefit to them. Nothing that could help the Orcas survive would be accomplished, and yet we would be denied the possibility of having moments on the water that have brought us such rich memories.

Surely the regulations could exempt in some way small boats that are local to the area. Perhaps owners of such boats could obtain license tags that would exempt those boats. Or perhaps the no-go zone could apply only to vessels that are more than, say, 20 feet in length.

We applaud NOAA's efforts to protect the orcas. We fervently hope that such efforts will well reasoned.

Sincerely,

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 10, 2010
Status: Pending_Post
Tracking No. 80a7ae59
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-0040
Comment from David Cable

Submitter Information

Name: David Cable
Address:
Friday Harbor, WA, 98250
Email: dcable@rockisland.com

General Comment

I oppose the proposed 200 ft no-go zone off San Juan Island. Before drastic measures are taken, let's enforce the current regulations and observe the results. I support slowing the speed of boats and enforcement of the 100 yd. limit now in place. The real issue, as I observe it, is the over fishing of the salmon on the west side of San Juan Island. Thank you for your consideration.

Subject: Orca plan
From: "dmacathome@earthlink.net" <dmacathome@earthlink.net>
Date: Tue, 27 Oct 2009 17:03:21 -0400
To: Orca.Plan@noaa.gov
CC: dmacathome <dmacathome@earthlink.net>

Donna J. Darm

Assistant Regional Administrator

NOAA/NMFS

Dear Ms. Darm

Our family has been long time supporters of whale conservation efforts. Our family has contributed to the Whale Museum on San Juan Island, for some time. Our children have volunteered for the museum for 2 years, since they have been of an age to be useful. We therefore, have been very worried about the effect of boating on the whale population of the San Juan Islands. I have read that boating noise has interfered with normal orca behavior, and their ability to communicate and catch food. I have observed, from our house on the west side of San Juan Island a steady increase in boats around orcas. In fact, it has now gotten to the point that w

However, while we therefore strongly support restrictions on boating, we are worried about the provision of a "half mile wide no go zone along the west side of San Juan Island from May 1 through the end of September. Our family can only use our cabin on the west side during the summers, since we live on the East Coast. My parents, who live nearby to the cabin are in their 80s. Would this regulation mean that we would not be able to use any boats all summer long? We have a little fiberglass rowboat, a kayak, and a little aluminum boat with an outboard motor which we launch from our beach. My parents bring the aluminum boat out of the water in early October.dmacathome@earthlink.net

EarthLink Revolves Around You.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 08, 2010
Status: Pending_Post
Tracking No. 80a79a92
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-0039
Comment from Jane Cable

Submitter Information

Name: Jane K Cable
Address:
173 Golf Course Road
Friday Harbor, WA, 98250
Email: janecable@rockisland.com
Phone: (360) 370-5056
Fax: (360) 370-5056

General Comment

I oppose the proposed 200 ft no-go zone off San Juan Island. Before drastic measures are taken such as this, listen to local scientists who work daily with the whales. Ken Balcomb, director of the Center for Whale Research in Friday Harbor, argues that the issues of salmon and habitat are more critical than boat noise. I support slowing the speed of boats and enforcement of the 100 yd. limit now in place. The real issue, as I observe it, is the over fishing of the salmon on the west side of San Juan Island. One Indian fisherman loaded his boat so full this past summer, that it sank. However, it would be unfair to limit fishing if not for the Indians, too, who should also be required to stay out of the no go zone. So often Federal decisions are made by people who are not scientists and those who "guess" the causes. Please do not let that happen in this case. You might also consider the problems for the whales to be caused by the warming temperatures of the water and the air-quality. Thank you for your consideration.

Subject: Closing the west side of San Juan Island
From: Bob Duffy <Bob@rampgroup.com>
Date: Sun, 25 Oct 2009 10:51:15 -0700
To: Orca.Plan@noaa.gov

I don't support NOAA and federal government proposed closing of the west side of San Juan Island to all boaters. I, along with many others, would prefer the newly made Washington State laws regulate boating activity in the Puget Sound, not the federal government's. The proposed NOAA regulations effectively bans kayaks from this body of water. I don't feel that the NOAA proposed regulations are appropriate for this area.

Bob Duffy

ramp

Bob Duffy
Managing Partner
425.922.0404 / mobile
425.455.2250 / fax
bob@rampgroup.com

305 108th Ave NE, Suite 200
Bellevue, WA 98004
www.rampgroup.com

Subject: No-Go Zone on South Side of San Juan Island
From: Robert Kimsey <RAKimsey@splat.com>
Date: Wed, 21 Oct 2009 13:53:07 -0600
To: Orca.Plan@noaa.gov

The proposed closing of this area would eliminate some of the best public fishing areas in the San Juans during the best fishing season,
while allowing the much more impactful commercial fishing operations!

While 85 whales are important, public access to fishing the waters near the coast is also important and both should be preserved.

Passing traffic and whale watching (both private and commercial) might be moved the half mile off shore without great effect on those activities.

Robert & Susan Kimsey 599 Pleasant Bay Road
Bellingham, Wa 98229

Subject: Save the family business...
From: MIKE GRUENHEIT <normanb9@msn.com>
Date: Thu, 15 Oct 2009 09:08:21 -0700
To: Orca.Plan@noaa.gov

I disagree the potential no go zone on San Juan Island. The closure of this area will drastically impact my commercial fishing business. If imposed will likely increase the encounters with the Orca. The reason for this is much more time will be spent on the water to harvest our Salmon allocations. We work with WDFW to put us on the water during peak salmon migration periods sometimes only lasting a day or two. If this very productive area is taken away we may be on the water for way more days than need be or worse yet not be able to harvest our allocactions. Our increased time on the water will obviously expose us to considerably more orca encounters in the ever shrinking marine harvest areas. The way I see it our industry is actually out in front on this issue with our fleet reduction .

Michael Gruenheit
F/V NORMAN B
normanb9@msn.com
360 201-5682

Subject: Whale Watching Boats
From: Darleen Stacey <DarleenS@soundbeverage.com>
Date: Fri, 16 Oct 2009 10:47:28 -0700
To: Orca.Plan@noaa.gov

Your proposed NO GO ZONE plan to close down the west side of San Juan Island to sports fishing and cruising would be disastrous to many peoples lives and livelihood. The sports fishing population pumps a lot of money into the local economy, from gas /convenience stations, marine /sporting goods stores, boat designers and builders and so many other business including the local "Ports" and marina's. The list can go on and on.

Please keep in mind, that the money generated by our fishing licenses fee's goes to the Washington State Dept. of Fisheries to help rebuild the local salmon runs, the very fish runs that is the food source for the orcas.

I firmly believe that the greatest impact on the orcas has been the ever increasing presence of USA and Canadian commercial whale watching tour boat industries. Not the recreational fishermen or the pleasure boaters who cruise the San Juan Islands.

I am a third generation fisher of the San Juan Island. Both of my grandfathers not only made a living fishing this area, but recreational fished as well. They passed the love of fishing onto my parents and I in turn have passed this legacy onto a fourth generation . . . my son's.

Sincerely,
Darleen Stacey
3243 North Shore Rd.
Bellingham, WA. 98226
360-734-5146

Subject: Only one user group
From: Dayislandorv@aol.com
Date: Fri, 16 Oct 2009 19:02:09 -0400 (EDT)
To: Orca.Plan@noaa.gov

If I understand the "new" proposal about a new off limits fishing zone, your plan is bias and really not fair at all since the other user groups will be allowed into this area. What's wrong with the recreational fishers? Dick Kinnaman

Subject: Please re-consider your decision.
From: Roxanne Christensen <roxanne@horseshu.com>
Date: Wed, 16 Dec 2009 09:17:44 -0800
To: Orca.Plan@noaa.gov

I am requesting that you re-consider your altogether ban of water traffic on the West Side of San Juan Island.
We need the whale-watch boats for numerous reasons, and banning them altogether will result in creating a further hardship to some of the most caring and respectful folks that are hard-working advocates for the whale population. THEY ARE ON YOUR SIDE, ...wanting to protect the whale population, I just don't think you realize it.
The 7-knot slow down on the west-side seems like a win-win situation. Let's spend some money toward bringing back our salmon population, and trust the whale watch operators to SLOWLY patrol and protect our summer whale pods, while trying to eek out a living at the same time. You could better spend YOUR time working on solutions to enhance the salmon runs, which would so much more benefit our whales – than this ban on water traffic. Without their next meal, whales are likely to disappear – then we won't have to worry about banning bodies of water – there will simply be no whales left for you to protect.
Thank You for hopefully re-thinking your proposal,

Roxanne
Horseshu Ranch
San Juan Island
(360) 378-2298
www.Horseshu.com

Subject: no go zone
From: mk Ryan <jazzmotwo@yahoo.com>
Date: Fri, 09 Oct 2009 09:50:26 -0700 (PDT)
To: Orca.Plan@noaa.gov

We have been sport fisherpeople on San Juan Island for 25 years. We are concerned as we listen to the debate about the proposed changes to allowed fishing areas on the west side of the island. From what we have read, evidence about boat noise and whale survival seems uncertain. However, the relationship between their food source and their survival is abundantly clear. Let's put our limited funds toward what we know will work.

There seems to be no money now to properly monitor boat distance from whales and we question where funds to monitor new laws will appear. As a fisherman, I would be happy to pay a little extra for a license and be required to take a short class on how to boat safely among whales. Volunteers on San Juan Island now provide such education to many of the kayakers going out. With that education and their lack of noise, we fail to see how preventing them from launching within a 1/2 miles of the shore will improve matters.
Thank you.
Cal and Mary Karen Ryan

Subject: Proposed Orca Rules
From: Dave Holt <daveholt@sjnav.com>
Date: Fri, 09 Oct 2009 10:31:16 -0700
To: Orca.Plan@noaa.gov

Good day,

I am writing to express my view that imposing new "no-go" zone rules is a bad idea.

As an owner of a recreational boat, my family and I take very seriously the safety of our crew, vessel and of the marine life in the Puget Sound waters we share with when we cruise. I can tell you that it's impossible to know exactly when or where Orcas and other marine life will surface. We've seen porpoises surface several hundred yards away to as close as a few yards with no advance warning. Running around seven knots or so we give them a wide berth and/or slow down and stop. However, we also have to be aware of all matters of weather conditions (wind, waves, fog, etc) shipping patterns, tides, other boats and hazards to navigation in order to maintain the safety of our vessel and family members aboard. There are times when it would be impossible to comply with new rules and maintain the safety of our family.

Imposing further restrictions would only make it more difficult to navigate safely in Puget Sound waters and I strongly oppose new "no-go" zone rules.

Thank you for hearing my view.

Best Regards, Dave Holt
CFO
San Juan Navigation
206-780-6860
206-612-6308 (Mobile)

Subject: West Side San Juan Island
From: divetech@rockisland.com
Date: Sat, 10 Oct 2009 10:21:28 -0700 (PDT)
To: Orca.Plan@noaa.gov

Dear Noaa,

I have lived, worked, played and fished on San Juan Island since moving here when I was in the 3rd grade in 1978. In 1979, at age 9, my boating career began. Since then, I have been enjoying the waters off the West side of San Juan island and I cannot believe that the Orca whales are affected in any adverse manner by recreational boaters and fisherman.

I have seen the West side waters empty of boats, other than one or two fishing boats looking for something to put on the dinner plate. Suddenly the two lone boats are surrounded by seemingly curious Orca whales, who can expertly swim under the boats and between trolling lines. The whales spyhop, study the fisherman, maybe nudge the white bottom of a boat and then carry on their merry way. While the fisherman are often awe struck by the magnificence of the powerful and intelligent marine mammals.

Scenarios like this are not uncommon and do not seem to adversely affect the whales. If boats are harmful or bothersome to the Orcas, why would they seek boats as opposed to avoid them?

I think you need to review the science used to come up with your current thinking. Perhaps focus your efforts on chemical waste and water quality issues. I am a commercial diver and I swim in the Puget sound 5 days per week. If the water quality here was better it would positively effect both myself and the Orcas. I believe your proposal to close the West side of San Juan Island to recreational boating would adversely effect both myself and the whales.

Interactions between whales and humans on the West side of San Juan Island for the most part seem to be benign and perhaps even beneficial to both whales and humans as some curiosities are satisfied and mutual respect is gained.

I would strongly urge you to NOT implement your plan to close the West side of San Juan Island to recreational boating.

Thank you for your time.

Sincerely,

Ivan S. Moorhouse
3800 Roche Harbor Road
Friday Harbor, WA. 98250
360-378-2882

Subject: No-go zone
From: Terry Telgenhoff <terry@telgenhoffandoetgen.com>
Date: Wed, 07 Oct 2009 08:18:25 -0700
To: Orca.Plan@noaa.gov

Let me start by saying I am not in favor of the no-go zone on the outside of San Juan Island. I have boated and sport fished the all San Juan Islands and Gulf Islands for over 40 years. I have sighted killer whales many, many times in all areas and have had them cruise within 20 feet of my boat while troll fishing and they have never seemed to be bothered. As a matter of fact they appear to be quizzical. There were times that at a slow speed of 8-10 knots, they would actually run with us and stay relatively close to the boat (40-50 feet).

In the fall months, I enjoy fishing the outside of San Juan Island as it has a fairly good fishery for coho, chum and Chinook. I have had many sightings of killer whales out there as they are there for the same reason. While fishing I have had them cruise right next to the boat. They don't appear to avoid at all.

I read one of the 'vessel interaction' reports and they make reference to boat interaction with killer whales as a predator/prey scenario stating they ***believe*** whales avoid boats as they perceive them as a predator. However, I don't know how killer whales would have this response as, my understanding is, they have no natural predators in this area (or any at all to my knowledge) so I don't know how they could learn this behavior. I would offer it is more like they are keeping their distance much like two boats when they are meeting.

Therefore, I leave it to say I am not in favor of shutting down the outside of San Juan Island to sport fishing as I believe it has minimal impact on the killer whales.

Terry

Subject: No go zone
From: Duane Erb <Duane.Erb@hemplers.com>
Date: Wed, 07 Oct 2009 08:45:14 -0700
To: "'orca.plan@noaa.gov'" <Orca.Plan@noaa.gov>

Hello,

Please do not create the no go zone that is the last great place to go fish around here! My kids love to go out there they think it is great place to fish because they love to fish and you get fish out there.

Thanks Duane

Subject: No go Zone, West San Jaun Islands
From: Terry Robertson <terry.robertson@josephinenet.com>
Date: Thu, 01 Oct 2009 10:05:38 -0700
To: Orca.Plan@noaa.gov

Dear Sir/Madam:
Is this a result of a properly executed study or the whim of a special interest group?

For many years I have enjoyed salmon fishing and sailing on the west side of San Juan Island. Government interference preventing me from access to this navigable water area violates my rights as a U. S citizen and resident of the north Puget sound. This proposal uses a meat clever approach to a problem requiring a scalpel. Surely there is a better way to achieve the outcome you desire.

Terry Robertson
1555 Falcon LN
Ferndale, WA
joule@zeninternet.com

Subject: opposed to orca plan
From: Mel Johnson <melandjo@mac.com>
Date: Mon, 05 Oct 2009 22:15:30 -0700
To: Orca.Plan@noaa.gov

To whom it may concern.

I remember my first trip to the islands with my parents and grandfather when I was a 5th grader. We encountered a pod of "Killer Whales" (as they were called then). It was awesome to see them all around the boat and out as far as we could see. Seeing the mom's and their calfs rolling near the boat was truly amazing.

My father was concerned for our safety, "killer whales" you know. My grandfather counseled him to continue at a slow speed and all would be fine. They would stay out of the way (they would hear the motors). Grandpa grew up on San Juan Island and would row his boat from their home to Friday Harbor. He also worked in the islands as a mail purser for 30 years on one of the mosquito fleet boats out of Bellingham.

TO THE POINT: If you are going to ban pleasure boaters, recreational fishermen, kayakers and the like from this area, I do not see how you can allow commercial fishermen (whatever their race) and their nets in the area.

Nets are silent and ghost like. Boating activity is noisy. As my grandfather said, "They hear the motor and stay at a safe distance. If you shut them off they will not know you are there and might come up under the boat."

The risk sure seems greater to the orca from a net waiting silently to ensnare whatever happens into it (salmon and what ever predator [orca] if chasing or following it,) than from a boat with it's motor running or its oars splashing in the water.

Mel Johnson
3823 108th Ave E
Edgewood, WA 98372

253 845 1598

Subject: Orca Plan Comments
From: David Burger <db@stewardshippartners.org>
Date: Thu, 01 Oct 2009 10:22:17 -0700
To: Orca.Plan@noaa.gov

Hello,

My name is David Burger. I am the Executive Director of Stewardship Partners a non-profit that works to restore salmon habitat in rivers around Puget Sound and Washington State. We also help landowners build rain gardens to manage storm water and keep pollution from entering streams and Puget Sound. I have spent the last 15 years working on salmon recovery and I am very concerned about the proposal to close the west side of San Juan. I have been visiting the San Juans since the late 60's when my grandfather showed me killer whales in front of our cabin on Shaw Island. I enjoy taking my family to the west side of San Juan to salmon fish and see killer whales and I don't want this right to be taken from me and my family.

Exempting the native Americans and non-tribal commercials, but banning recreational fishing and kayakers is absurd. It's the presence of toxic chemicals in the salmon, the abundance of salmon and good salmon habitat are the fundamental challenges to orca survival. What is NOAA doing to speed up salmon recovery and toxic chemical controls? It's hard for me to believe that NOAA has made no restrictions on development in Puget Sound since the Chinook salmon was listed in 1998. More and more pervious area is created each day. My point is that it's not one stakeholder group that is the problem and NOAA needs to have a broader approach to save killer whales and salmon.

We should work on enforcing the existing laws in place and monitor the effectiveness before proposing new rules. I strongly encourage NOAA to withdrawal the proposed "no go zone". These are my personal comments and in no way reflect the views of Stewardship Partners.

Sincerely,

David Burger

Subject: No go zone
From: dmpdaniel@aol.com
Date: Tue, 06 Oct 2009 11:18:49 -0400
To: Orca.Plan@noaa.gov

Given that this area is a major shipping channel I am not certain how a half mile no go zone would help. I could see the half mile zone being no wake so that boats wishing to observe the whales could do so cautiously as they should now. Boats wishing to transit the area at higher speeds would need to remain at least 1/2 mile off shore.

thank you

daniel solomon

Subject: proposed closure zone
From: Lawrence Evans <evanslarryh@yahoo.com>
Date: Thu, 01 Oct 2009 12:31:37 -0700 (PDT)
To: Orca.Plan@noaa.gov

My thoughts on your proposal of San Juan Island six mile no boat zone and 200 yard from any whale in Washington water

Animals know when they are being hunted and when they are not. They will stay and hide from you. Whales are no different. They come close or swim by you with no fear. As far as stress goes, I have never seen any sign of it when I've been around them. Give them credit for being the smart, intelligent mammal that they are.

NO TO THIS PROPOSAL.!

Lawrence G. Evans

9258 Avon Allen Rd.

Bow, WA 98232

Subject: Restrictions
From: GBAKER385@cs.com
Date: Wed, 30 Sep 2009 10:40:53 -0400 (EDT)
To: Orca.Plan@noaa.gov

Dear Sirs,

Please do not take away one of the very few good places to fish by restricting the West side of San Juan Island. Also, if coming back from Victoria B.C. you would not be able to get to customs in Roche Harbor by the most direct route. In addition there is a sailboat race around San Juan County every year. Restrictions should only be put in place to keep a safe distance from whales since that is what we need to protect. The whales may not be there ninety per cent of the time so it doesn't make since to restrict it all the time.

Sincerely,

Gary Baker
Bellingham, WA

Subject: boating
From: Eddie Hansen <doceddie@comcast.net>
Date: Wed, 30 Sep 2009 08:22:25 -0700
To: Orca.Plan@noaa.gov

NOAA,
I have been boating in the San Juan islands my whole life. It started with my parents and grandparents and now with my children. Hopefully someday with their children. It would be a tragedy to outlaw private boaters to fish or travel anywhere in the San Juan islands. Good safe boats should not be punished because of a few unsafe or illegal boaters. I suggest increasing patrols and fining those that break the law, but keep what makes our area wonderful. A wonderful place to be and see.

Best,

Dr Eddie Hansen
Bellingham
lifetime boater in the San Juan's

Subject: San Juan Island NO GO ZONE Proposal
From: Jerry Writer <jerrywriter@hotmail.com>
Date: Wed, 30 Sep 2009 09:49:16 -0700
To: Orca.Plan@noaa.gov

September 30, 2009

To Whom It May Concern:

Please reconsider creating a "No Go Zone" on the west side of San Juan Island, WA. This is a wonderful recreational boating and salmon fishing area. It would be a shame to lose access to it for the many avid mariners not only in the immediate areas, but statewide. Is there not a compromise possible like reducing speed and/or limited anchorages, etc.?

I do respect our wildlife and support efforts to protect them.

Mary C. Writer,
Concerned boating and member of: Bellingham Yacht Club, Bellingham Wheel & Keel and Bellingham Sail & Power Squadron

705 Willow Road
Bellingham, WA 98225-79920
(360) 733-5163

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Subject: No Go Zone SAn Juan Island
From: rondelcamp@comcast.net
Date: Wed, 30 Sep 2009 18:14:35 +0000 (UTC)
To: Orca.Plan@noaa.gov

I am a 63 year old resident of the state of Washington. I have fished, pleasure boated, and commercial fished in the San Juan Islands since I was 10 years old. I have observed Orcas from many different boats and from the land. I do not believe that imposing a NO Go Zone on the west side of San Juan Island is appropriate or necessary. Granted it is the easiest to enforce. But are we looking for the easiest to enforce or are we trying to protect the whales and not jeopardise the rights of our citizens to engage in water activities. I cannot understand that a private fishing boat interferes with the whales, but an Indian purse seiner setting a large net does not interfere.

I personally have observed while fishing, doing a slow troll along the island, Orcas approaching my boat and even surfacing and sounding as close as within 15 feet. These whales were not the least bit concerned that I was there. After they have passed I have then moved out of the area and at times later the same day have had them approach me again. This does not seam to me the action of a distressed animal in any way.

I have a lot of other personal information and experiences that I could convey to you. If you would like further comment please contact me.

Again, I oppose the No Go Zone.

Ron Delcamp
3230 Pinewood Ave.
Bellingham, WA 98225
360-733-1830
e-mail Rondelcamp@comcast.net

Subject: NO BOATING ZONE Comment
From: Carolyn Bowen <carolyn@fbowenassociates.com>
Date: Fri, 15 Jan 2010 11:03:11 -0800
To: Orca.Plan@noaa.gov

To Whom It May Concern,

I think the proposal for a NO BOATING ZONE off the West coast of San Juan Island is completely ridiculous, whether for ½ mile or ¼ mile. Personally I don't live on the West Side, we don't kayak and we don't fish. We have a slow cruiser that crosses Haro Strait on occasion and that's it so we impact the whales very little. What I find so completely disgusting is this is just one more example of bureaucracy at its finest.

Carolyn Bowen

Subject: San Juan no go zone
From: LewisBoyd@aol.com
Date: Thu, 01 Oct 2009 18:25:56 -0400 (EDT)
To: Orca.Plan@noaa.gov

It appears that NOAA is rushing and jumping to conclusion through some pretty weak scientific data do to pressure by The Friends of the San Juan. If there is going to be a no go zone off San Juan Island because of noise then it should be closed to all traffic, NO EXCEPTIONS. Noise is noise and I haven't heard of any stealth commercial boats out there, in fact their boats would be noisier than most recreation boats. They are also competing for the very fish that the Orca needs to feed on and in the same area no less according to what your studies suggest. I don't see how you can live with yourself knowing the Orcas are around all those nets and noisy commercial boats. In this day and age if there is something of great importance then all user groups should be willing and expected to protect what is needed. The day of a few user groups fishing selectively and another killing everything with gill nets non selectively needs to end. If you need to have a no go zone then this is as good as spot as any to have all boats comply by all user groups and again NO EXCEPTIONS for any reason.
I didn't see where your studies singled out one group over another that is the cause so it must be NOAA opinion that recreation boats are the cause making NOAA liable in future litigation.

Thank you,

Lewis Boyd
1127 Hoyt Ave.
Everett, WA 98201
425 259 3756
Member of CCA

Subject: Proposed No Go Zone on West side of San Juan Island
From: BW Ogren <ogrenbw@gte.net>
Date: Thu, 01 Oct 2009 20:59:34 -0700
To: Orca.Plan@noaa.gov

No Go zone is not a viable solution and will lead to enforcement issues. Threatening enforcement actions on boaters for using their boat will fuel resentment, an attitude that does not need to be boosted any further. Limits on approaching Orcas already exist. That is sufficient.

Wayne Ogren

Subject: NO GO ZONE
From: Mark Jacobson <golfer.nw@gmail.com>
Date: Fri, 02 Oct 2009 08:47:12 -0700
To: Orca.Plan@noaa.gov

The west side of San Juan Island is not the only location for the whales., They travel the entire Island chain....We can not stop boat travel in the entire NW.....

Valley Golf Car
Mark S. Jacobson
93 Samish Place
LaConner, WA 98257
Phone: 360-770-0651

Subject: Please keep access open
From: James Stanger <stangernet@comcast.net>
Date: Fri, 02 Oct 2009 13:58:23 -0700
To: Orca.Plan@noaa.gov

I wish to put on record that access should be left open to the western shore of San Juan island. Closing those waters to kayakers, divers and others will not protect the whales and other wildlife.

As for powered boats, enforce or enact state laws bringing the speed limit down. But forbidding access sets and ominous precedence.

Please leave Washington state waters controlled by state laws, not federal laws.

Please feel free to contact me if you wish me to clarify my views.

Best regards,

James

--
James Stanger, PhD
8045 Ellison Loop NW
Olympia, Wa
Home: +1 (360) 867-1496
Mobile: +1 (360) 970-5357
E-mail: stangernet@comcast.net

Subject: No Go Zone
From: roxeydelcamp@comcast.net
Date: Tue, 29 Sep 2009 23:31:43 +0000 (UTC)
To: NOAA <Orca.Plan@noaa.gov>

Please do not implement the NO GO ZONE for San Juan Island! I have observed the whales in that area while sport fishing and they don't even seem to notice our boat. I think there needs to be more input from local boaters and people who live in the area, with actual facts on what happens in this area, rather than having someone from back East giving input on something they know nothing about and are relying on others to give them facts.
Thank you for your consideration on this very important issue! We love the whales, but we have been boating many years in this area and do not consider ourselves a threat to them!
Sincerely,
Roxey Delcamp

Subject: Public Comment input for Southern Resident Killer Whale ESA Recovery Plan Implementation
From: "Joe \"JJ\" Johnson" <JJohnson@AEA-Inc.biz>
Date: Tue, 22 Sep 2009 12:45:34 -0700
To: Orca.Plan@noaa.gov

Due to recent Achilles I am making a written input in lieu of input via the public meeting scheduled for Anacortes. First let me thank you for allowing additional public input at the Anacortes forum. I think you will find great interest and input which will better guide the decisions NOAA planners must make for Southern Resident Killer Whale ESA Recovery Plan Implementation.

I believe the no-go zone proposed is untenable on many levels—some of which I will address in this input. Undoubtedly there will be more. I don not believe there is adequate science backing the zonal restriction. Commercial whale watch vessels, which contribute greatly to the local shoe economies of two nations already comply with considered and adequate guidelines. It will be interesting to see how international treaties will impact the rule adoption over and above the already accepted volunteer guidelines—in fact the growth in the Orca population could, in some manner, be attributed to observance of these guidelines.

Why are other species of whales not endangered included?

As a frequent recreational fisher of these waters, I can tell you that the Killer whales generally make a 25-27 hour counter clockwise traverse of the straits around the San Juan Islands and come into as much, if not more contact with vessel traffic at all points along their travels in Hero & Rosario Straight and Bellingham channels. Using the same rationale as the outer side of San Juan Island NOAA should restrict traffic within the same distance surrounding the entire Island group. It seems the science falls short as to the remedies versus effects

Finally, having recreationally fished the west side of San Juan Island on a frequent basis since 1996, I have never witnessed any recreational fishing vessel interfere with Orca or any other species of whale in that area. At a minimum vessels actively engaged in recreational fishing should be an included group should the science support establishment of such a zone. It's needless to say, but I will point out that other allowed vessels would have the same or greater impacts. Also there could be tribal-US fishing rights impacts as the Boldt decision allocated fisheries to tribal and WA enforced fisheries 50-50. The no fishing zone may have ramifications to those treaties as well as US Canadian treaties alluded to above.

Joseph Johnson
Anacortes, Wa

Subject: Orca, Regulations on Vessel Effects
From: Chester Knapp <chester.knapp@gmail.com>
Date: Thu, 14 Jan 2010 18:57:31 -0800
To: Lynne.Barre@noaa.gov

I would like to register my disagreement with the proposed closure of the west coast of San Juan Island to vessels in order to protect Orca populations. I attended the public outreach event at the Seattle Aquarium, and have read through the studies and the proposed regulations.

The closure of the west coast of San Juan Island will have a significant negative impact on the local economy, and I am not convicend that there is a corresponding improvement in the environment for resident Orcas. As a recreational kayaker who frequents the San Juans, this closes of a signficant amount of this states waters to me.

Sincerely,

Chester Knapp
7400 5th AVE NE, APT 203
Seattle, WA 98115

--

The early bird gets the worm, but the second mouse gets the cheese.

Subject: San Juan Island Orca Rrecovery Plan
From: Ron Robertson <karron319@wavecable.com>
Date: Tue, 22 Sep 2009 19:07:17 -0700
To: Orca.Plan@noaa.gov

Hi,
We are extremely disappointed to learn of your possible closure of the West side of San Juan Island to Rec boat traffic. As a second generation, life long recreational fisherman I have never had any more than visual contact with the Orcas in this area. As we fish this area we have never seen any action that would tell us that the Orcas were troubled with our being there. Quite the opposite, and when they are present we have often quit fishing and let the boat drift as they went by to better experience the moment. Other times we would continue fishing and never have had or seen contact with any Orcas. However we have noticed that as the Orcas go thru that the fishing success is diminished for a period of time until the salmon population settles down. This fishing area has been a destination for our family and friends for over 45 years. Please consider this letter as a cry to leave access in this area alone as we do not see a creditable reason to change our access to our favorite summer fishing area.
Thank you
Ron and Karen Robertson & family
11453 Bayview Edison Road #1
Mount Vernon WA 98273

Subject: NOAA No Go Zone San Juan Island
From: Andy Holman <andy@sanjuansurveying.com>
Date: Fri, 15 Jan 2010 10:30:56 -0800
To: Donna.Darm@noaa.gov

Friday, January 15, 2010

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

Ms. Darm:

My name is Andy Holman. I am a sportfisherman who lives in Friday Harbor, San Juan Island. I have been actively involved in many issues related for the Marine Environment throughout Western Washington. Please accept these comments on NOAA's proposed regulations to protect Southern Resident Killer Whales from marine vessel effects. I am writing you as a member of Coastal Conservation Association (CCA) Washington, Puget Sound Anglers (PSA) 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. I have several fundamental concerns with the proposed vessel restrictions announced by NOAA on July 28, 2009.

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. This determination is contrary to the findings of the Draft Environmental Assessment and observation groups that have specifically found that "fishing vessels make up a very small percentage of vessels within ½ mile of the whales" and there is "a low likelihood of fishing vessels affecting whales". 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.

Furthermore, of the three pods that comprise the Southern Resident Killer Whale population, the J-pod spends the most time in the proposed No Go zone. The data and the Draft Environmental Assessment suggests that the J-pod population numbers have actually seen marked increases since extensive surveys began in 1974. The J-pod's growth percentage since 1974 is well above that experienced by the other two pods, which spend less time in the proposed No Go zone. This raises additional questions about the basis in science for the proposed No Go zone.

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. The socioeconomic analysis contained in the Draft Environmental Assessment greatly underestimates the economic value of recreational fishing to communities in the Puget Sound region. NOAA should engage knowledgeable economists and local recreational angling representatives in developing an accurate assessment of the economic benefits derived from recreational angling.

In lieu of the proposed No Go zone NOAA should instead consider the adoption of a "Go Slow" zone where vessels would be limited to a 7 knot seasonal speed to limit possible vessel interactions. 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.

It is clear that local and state officials have insufficient funds to enforce vessel restrictions or monitor vessel interactions. Since NOAA does not have the infrastructure required to conduct these activities, it should provide adequate funding to state and local agencies to conduct needed enforcement, monitoring and educational activities.

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

Sincerely,

Andy Holman
399 Carter Beach Rd
Friday Harbor, WA 98250

Andy Holman
Associate/GPS Technician
www.sanjuansurveying.com
andy@sanjuansurveying.com
360-378-2300 Office
360-378-4140 Fax

Subject: Comments on Orca Plan
From: Cliff Howard <cliff@ipds.net>
Date: Wed, 23 Sep 2009 09:11:20 -0700
To: Orca.Plan@noaa.gov

I would like to object to the inclusion of the West side of San Juan Island into any zone that would preclude boat traffic and sport fishing dusing the proposed time frame.

The West side of San Juan Island is a fabulous fishing resource for area sport fishers. Restricting boat passage and non commercial fishing from May 1 to the end September will directly effect thousands of people who use this area for sport fishing. Historically this has been one of the most productive area for commercial and sport fisheries during that time frame.

Allowing commercial fishing which has a much more dramatic effect on the population whales is an insult to the intelligence of people who use this area.

If sport fishing may cause some minor disruption to the whale population commercial fishing will cause a major disruption. Anyone who has visited that area during the sockeye fishery will testify that miles and miles of nets produce more of a hazard to all marine life than any amount of sport fishing.

It is an insult to local fishermen to allow commercial fishing with its huge impact VS sport fishing with very limited effect on anything.

Sincerely

Cliff Howard
574 Easy Street
Oak Harbor, WA 98277
360-675-5682

Subject: NOAA No Go Zone - San Juan Island
From: Carol Davis <carolmd25@hotmail.com>
Date: Fri, 15 Jan 2010 14:17:33 -0800
To: Orca.Plan@noaa.gov, Lynne.Barre@noaa.gov, Donna.Darm@noaa.gov

To Whom It Many Concern:

My name is Carol Davis and I live in Friday Harbor, Washington. I grew up in various National Parks throughout my childhood and my parents taught me to always have a healthy respect for the environment and wildlife. I also grew up with opportunities to enjoy recreational fishing in rivers, lakes and of course in saltwater. Today, I enjoy those opportunities with my life partner and two young children. We are conservationists and members of the Puget Sound Anglers San Juan Islands Chapter as well as Coastal Conservation Association Pacific Northwest.

We have encountered the Southern Resident killer whales on the west side of San Juan Island as well as San Juan Channel while trolling for salmon. At times, we have been surprised by the sudden appearance of the killer whales and find ourselves in the middle of commercial whale watch boats and other recreational fishing boats. Based on my observations, the only boats actively pursuing the whales have been the commercial whale watching boats.

Most, if not all, recreational fishing boats either move away from the swim path of the whales or simply idle engines until the whales have passed if the whales are too close for the vessel to try and move safely. I have very rarely seen kayakers on the west side of the island on the days we have seen the Southern Resident killer whales.

This year, from land, I observed commercial fishing vessels setting their nets not more than 250 yards off of the shoreline and stretching them nearly ¼ of a mile out into Haro Strait, obstructing the swim path of Orcas. Once the set was complete they pulled the net back in and it easily contained over 1,000 Salmon, a conservative estimate. That was just one purse seiner making one set. Now imagine multiple commercial fishing vessels making multiple sets by each boat throughout the day. I fail to see how these activities are not effecting the foraging of the Southern Resident killer whales. Not to mention I could hear the noise from their engines and the skiff engines from where I stood on land.

Based on my reading of the *Draft Environmental Assessment: New Regulations to Protect Killer Whales from Vessel Effects in Inland Waters of Washington*, the assessment fails to cite scientific research indicating any direct correlation between recreational fishing vessels or kayaks negatively impacting the normal activities of the Southern Resident killer whales.

I strongly believe the proposed No-Go Zone lacks substantiated evidence to exclude recreational fisherman or kayakers from the west side of San Juan Island. **Therefore, I am not in favor of the proposed No-Go Zone for the following reasons:**

- Reports from sporadic observations using language such as "possible" and "may" in regard to negative impacts are ambiguous at best and can hardly be considered best available science.

- If abundant prey for the Southern Resident killer whales is of concern, then why are non-selective harvest methods such as purse seines and gill nets still permitted when multiple Salmon species are threatened if not endangered?

These non-selective harvest methods should be considered a direct threat to our delicate ecosystem, because of the high rate of bycatch they create. Furthermore, lost nets result in "ghost nets" threatening the lives of, if not killing, hundreds of marine animals each week.

-The proposed "No-Go Zone" regulations will be difficult to enforce, because of the lack of local and state funding. Since NOAA does not have the infrastructure required to conduct these activities, it should provide adequate funding to state and local agencies to conduct needed enforcement, monitoring and educational activities.

In lieu of the proposed No Go zone NOAA should instead consider the adoption of a "Go Slow" zone where vessels would be limited to a 7 knot seasonal speed to limit possible vessel interactions. 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.

Thank you,

Carol Davis
Carolmd25@hotmail.com

Hotmail: Powerful Free email with security by Microsoft. Get it now.

Subject: vessel restrictions regarding Orca, West side of San Juan Island
From: Patti Pratt <d-p.pratt@interisland.net>
Date: Fri, 15 Jan 2010 22:11:23 -0800
To: Lynne.Barre@noaa.gov

I have observed Orca from my place at Hannah Hts. on the due south side of san Juan Island since 1969. In those days Killer whales cavorted among purse seiners and dodged Ted Griffin as he tried to capture them for aquaria. Two teams of researchers spent three summers on my property observing interactions of whales and boats. I have noticed no differences in whale behavior or hunting routes over the years.

To close all inshore boating activity on the west side for five months each season seems draconian. What is the goal? How would we know if the goal is achieved? Without controlling all the other variables, how would we know if this one is important?

A few people have used very primitive methods to study whale-vessel interactions during a tiny and specific window into whale behavior. What are the behavior patterns at night and/or in foul weather when inshore boat traffic is missing? Public policy should be based on solid data and careful reasoning. I don't see either, but I'm willing to be instructed. I would appreciate a reply. Yours truly, Dale Pratt.

Subject: whales
From: Sally Church <sallyc@sprynet.com>
Date: Sat, 10 Oct 2009 15:15:19 -0700
To: Orca.Plan@noaa.gov

We would be against limiting recreational boat use off the west side of San Juan Island to protect the whales....it seems logical that the commercial fishermen etc. could do more harm than kayakers and recreational fishermen. Sally and Sandy Church, Henry Island

Subject: Protective Regulations for Killer Whales (RIN 0648-AV15)
From: Thomas O'Keefe <okeefe@riversandcreeks.com>
Date: Fri, 15 Jan 2010 22:19:03 -0800
To: Orca.Plan@noaa.gov

I am writing in support of regulations to protect killer whales in Puget Sound but have a particular concern with the no-go zone on the west side of San Juan Island. The proposed rule states that the "large buffer is particularly important for reducing the masking effects on echolocation signals and impacts to foraging from vessel sound". It seems that kayaks would be unlikely to have these specific impacts. There are also safety considerations with recreational kayaks traveling a significant distance from shore particularly for less experienced paddlers or when conditions change rapidly. I urge you to consider a special exception for kayaks similar to those you have for fishing vessels and private landowners. Kayakers could be restricted to an area close to shore (e.g. within the kelp line) instead of being pushed out to areas further offshore. The proposed rule would also result in the loss of San Juan County Park for kayaker access while allowing continued use of private shoreline areas. On an island with extremely limited public shoreline access for recreational kayakers this would have a major impact. It's clear that special exceptions are considered and proposed for some craft but not for kayaks. Kayaks should be treated differently given the fact that only 1 of the 3 concerns (disturbance, vessel-generated high frequency sound, and collisions and propellor blade strikes) with boat traffic applies.

Thomas O'Keefe
3537 NE 87th St.
Seattle, WA 98115

Subject: Comments on Vessel Regulation
From: OnBoard Tours <onboardtours@yahoo.com>
Date: Fri, 15 Jan 2010 22:34:20 -0800 (PST)
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

Additional Comments to NOAA Proposed Vessel Regulation

January 15, 2010

NOAA should consider that the public is not as aware of what the Recovery Plan for the SRKW Community is doing for salmon recovery and clean up of toxins in Critical Habitat, as they are aware of vessel effects concerns. Information regarding this should be easily accessed and available, perhaps through the Orca Listserve, education, and other media.

My anecdotal observations of 10 years, NOAA's own research, and Dr. Rob Williams research, all show the proposed 'no go' zone off the Westside of San Juan Island, is not the geographic area where the SRKW primarily forage and feed. The most utilized foraging and feeding area is from Salmon Bank to Hein Bank to False Bay, San Juan Island. So I question why that proposed 'no go' area?

I support a whale watching vessel permit fee system, i.e. NOAA's East Coast "SENSE" program. A permit might also be issued based on locality of vessel, adherence to regulations and guidelines, limited number of vessels and time with SRKW, and vessel speeds.

Vessel Regulation implementation and enforcement could be funded through vessel permit fees and tourist whale watching fees.

The commercial whale watching fleet have numerous hours of observation and experience with the SRKW, and NOAA should cultivate the opportunity to include and utilize those vessels and participants in research, education, and enforcement.

Thank you for your consideration,

Caroline Armon
Marine Naturalist

Subject: Killer Whale no go zone
From: Bill Ballard <ballardcompany@earthlink.net>
Date: Mon, 05 Oct 2009 08:17:12 -0700
To: Orca.Plan@noaa.gov

It is my understanding that you are proposing a no go zone covering 1/2 mile of the west side of San Juan Island in Washington every summer. That is the area I travel each year from the Seattle area. Make the distance we stay away from whales more but don't just put in a no go zone. One of the freedoms we enjoy as boaters is to travel where we want, when we want.

WILLIAM E. BALLARD
503 7th Ave
Fox Island, Wa 98333

Subject: Orca-Vessel-Regs
From: Bob & Rayna <Bobrayna@wavecable.com>
Date: Tue, 13 Oct 2009 08:10:43 -0700
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.

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
Bow, WA

San Juan closure orca.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Subject:
From: Junior Stacey <jstacey@farmersequip.com>
Date: Tue, 13 Oct 2009 10:07:44 -0700
To: Orca.Plan@noaa.gov

Dear Sirs,

I am a avid salmon fisherman in the San Juan Islands for over 40 years. I understand that you are considering putting limits on where I can fish (NO GO ZONE) and when I can fish certain areas off of San Juan island.
I understand your concern to protect the Orcas and will do every thing I can to protect them also. I feel that the group Sound Watch are putting me and my family at risk, when thy approach my boat at somewhere between 20 and 30 miles per hour. There approach is to cross the bow of my boat to make me stop.
This happened about one month ago. At the time this happened I had approached the boats that were watching the Orcas from the west and had all ready turned south and was moving away from the boats and the Orca pod. By my radar I was Approximately ½ mile off shore and heading away from the pod. Even more concerning is the fact that they came along side of my boat and begin to scream at me that I am in violation of the law, stating that the law is that I have to be 2 miles away from the Orcas. At this time I have not been able to find any one who can tell me what the law really is.

It is very upsetting and scary to have a boat even if it is a Zodiac approach you in that manner, especially when they approach me from the port side when I have the right of way.

I feel to stop fishing inside of ½ mile off shore off San Juan Island will decimate the sport fishing industry in this area not to mention what it will do to the commercial fishery. I will assume that we all will be treated and have to play by the same rules and laws.

I fished out in the San Juan islands before the whale watching boats were in business and this was not a problem. If we were fishing and the Orcas came thru we just kept on fishing and no one bothered them and they did not bother the fisherman. This could be the cause of all our problems.

This will have a definite negative economic impact on the resorts, marinas, boat dealers, fuel suppliers, boat repair shops, and sport fishing stores in this area.

I appreciate your efforts to save the Orcas but feel we need to work together to come to a satisfactory remedy of this situation for all interested parties.

Junior Stacey
360-815-3672

Subject: san juan island
From: marshall davis <we-i@centurytel.net>
Date: Wed, 14 Oct 2009 07:21:38 -0700
To: Orca.Plan@noaa.gov

Dear Folks,
I've lived on SJ since '84 and I've been an avid sailor here and around here for 20 years. I attended the San Juan Island meeting and here are my thoughts and feelings about your proposal and the response from the islanders. I feel that the health of the Orcas is of the utmost importance foremost. I agree that boats should not be allowed to place themselves in the obvious path of the whales. I don't agree with a no-go zone along the westside of the island, although one surrounding Limekiln Point would be fine. Perhaps a compromise would be no internal combustion engines in that zone. Another idea might be to sell permits for that area with the proceeds going to research, clean-up and salmon replenishment. I don't feel that kayaks have little to no impact on the whales and that San Juan County park should not be shut down as a boat launch area. I feel that the greatest threats to the whales are lack of salmon and pollution, also sonar testing however I understand that our government is not supposed to be doing that anymore. I strongly believe that enforcement of current laws and regulations is extremely important and without a way to enforce the laws, rules and regulations it's pointless to implement more. There you go. I hope that what we have to say as residents of the area is actually heard.
Thanks,
Marshall Davis

Subject: no go zone
From: theronbr@comcast.net
Date: Tue, 20 Oct 2009 14:42:00 +0000 (UTC)
To: Orca.Plan@noaa.gov

To whom it may concern:

I strongly appose such a ruling.
To take away a persons right to use a vessel in these waterways is completely wrong.
As a sports fisherman, I have rights too. If they are harassed, or pursued, or purposely harmed, then fine the responsible party.

Theron

Subject: proposed closure zone
From: Lawrence Evans <evanslarryh@yahoo.com>
Date: Thu, 01 Oct 2009 11:55:17 -0700 (PDT)
To: Orca.Plan@noaa.gov

I am protesting the proposed closure of the San Juan Channel to our local charters, sightseeing or whale watching, sport fishing, and kayaking.

I believe I'm correct in saying this is mainly a through way for the Orcas rather than a long staying location. I think an all summer closure is excessive.

I was in Newfoundland this summer standing on the shore watching whales in the Atlantic rolling , coming up and jumping and slapping their tails when there were no persons or vessels as far as the eye could see. We watched them playing and feeding for more than half an hour until we left. This is the behavior you describe as very stressful. Sorry but I question this judgment.

The Puget Sound Anglers are active supporters of the Department of Fish and Game and their Salmon Enhancement program morally, physically, and financially. We do fund-raising events like a big fishing derby every year and participating in a city wide flea market. We also give scholarships to students doing research on the health of fish and the sound. We also endorse the rotating closure of fishing zones in the sound.

I really feel that it is destroying our American way of life to squeeze out our small businesses.

Sincerely
Sandra L. Evan
9258 Avon Allen Rd.
Bow, WA 98232

Subject: Orca protection, San Juan Island
From: George Steed <gsteed@interisland.net>
Date: Thu, 01 Oct 2009 13:25:57 -0700
To: Orca.Plan@noaa.gov

Re: "No-Go" zone for San Juan Island

This is to add yet another family of island residents, family visitors, and boaters who believe the proposed "half-mile wide no-go zone" on the west side of San Juan Island is ill-conceived, gigantically unenforceable, virtually useless as an Orca benefit and economically damaging to the economy of the Island.

Ill-conceived: The proposed zone will be unmarked and, as such, will be ignored by boaters and fishermen with no knowledge of the boundaries.

Unenforceable: During the summer and fall boating and fishing season when the Orcas are most frequently present for "whale watching" there are hundreds of vessels each day traversing the area with many vessels going SE to Victoria and S to Seattle out of Mosquito Pass, Garrison and

Westcott Bays, Roche and Snug Harbors as well as boats moving S along the W side of Henry

Island. How does the NOAA propose to enforce a no-go zone in the normal path of these boat operators who have no knowledge of the boundaries or even of the entire program? will the NOAA fund the half-dozen fast boats 24/7 which will be required, costing in the hundreds of thousands perhaps millions of dollars each year? Has no one from the NOAA spent a year of observation of the activities in the area before conceiving this "zone"?

Useless: There are many experts on the subject of "Orcas" and most of them will agree that the stress and decline of the Orcas population is more specifically related to lack of food, not the presence of boats and their noise FROM A REASONABLE DISTANCE. The current regulations on boating are adequate IF ENFORCED, which is not being done primarily due to cost. What is NOAA going to do about the lack of adequate food for Orcas? Where is the program for increasing salmon supply? Where is the NOAA program for dissuading the Navy from using their very high power sonar in the Sound which has been proven to stress Orcas and other large mammals, the use of which is quite unnecessary inside the Strait of Juan de Fuca?

Economic damage: The proposed zone is being promulgated without any consideration for the economic damage to the Island economy. While potentially costing American taxpayers millions of dollars each year, the "zone" will devastate the revenue of County Parks and the kayak tour industry (kayaks have zero effect on Orcas) along with lodging and food services also suffering losses. Are we to assume that commercial and Indian fisheries are going to be exempt from the "zone" thus getting a free pass to continue taking the decreasing supply of salmon that the Orcas depend on for food?

This entire exercise of NOAA to propose a "no-go" boating area in a heavily travelled boating area appears to have been largely conceived by persons with no in-person perception of values, if any, of the "zone" and certainly without adequate provision in the proposal for mitigation of the impacts of the "zone" on the lives of Island residents and visitors.

Bottom Line: A poorly researched, poorly constructed, poorly presented daydream without any real value in protecting the Orca population, while causing potentially huge unknown costs to Island residents and visitors.

Sincerely,
George D. Steed
285 Neil Bay Dr.
Friday Harbor, WA 98250

Subject: Proposed ORCA no-go Zone
From: Tony Garland <tony3@GarlandConsulting.us>
Date: Mon, 05 Oct 2009 18:15:41 -0700
To: Orca.Plan@noaa.gov

I am writing to express my opposition to the proposed ORCA "no-go" zone west of San Juan Island. Over the past 30 years, I have transited the area in question many times, both when whales were present and when they were absent. It is my belief that the majority of boaters already conduct themselves reasonably around the whales and that there are no real hard facts to suggest that a radical change in the current regulations would have a beneficial result.

We should recognized that there are always a few who abuse the rules--as there will continue to be with even tighter restrictions.

It is my view that the proposal is too radical and does not have enough factual science to justify it.

Subject: Suan Juan Island "No-Go Zone"
From: G Graumann <grgraumann@yahoo.com>
Date: Tue, 06 Oct 2009 11:02:32 -0700 (PDT)
To: Orca.Plan@noaa.gov

I am writing you to convey my disagreement with the proposal to enact a boating "no-go zone" on the west side of San Juan Island from May through September Your arguments provided in favor of this ban do not hold up to accepted scientific facts or plain logic. Further, the vessels exempt from the ban are those most likely to cause Orcas distress or injury than those that are not. In a sense it is a contradictory ban and one that gives the appearance that ulterior motives are in play. In short I would be more inclined to support an all inclusive ban or a ban on commercial fishing vessels for this area, than I would your current proposal. I request that you re-think your position on this matter as the enactment of this ban would considerably lower my regard of your administration and shroud it in the shadow of impropriety.

Respectfully,

Gerhard Graumann

Subject: San Juan Island Orcas
From: Mike Hogan <mhogan@rockisland.com>
Date: Thu, 08 Oct 2009 07:59:36 -0700
To: Orca.Plan@noaa.gov

Gentlemen:

As an eight year resident of the west side of San Juan Island I am opposed to any type of "no go zone" for the west side of our home. The so called resident pods of orcas inhabit more than this one specific area and have been known to travel as far as southern California. Researchers still do not know where these pods travel to during the winter months.

It is time for Government to take a common sense approach to protecting these animals by concetrating on the two most important items affecting their survival which are water quality and preservation of their food sources.

Toxins in our waters are deadly not only to these whales but all marine creatures of our oceans and must be unilaterally decreased not only by us but also our Canadian neighbors. International efforts must be employed.

During the months of August and September of this year I witnessed from our property over 14 commercial fishing vessels raping the waters on the west side of San Juan Island for a period of over 4 weeks. This rape continued twenty four hours a day, seven days a week without regard for the whales or other marine animals, not to mention the damaged caused to areas of eel grass and kelp beds which are important to the salmon. Thousands upon thousands of pounds of salmon were harvested directly impacting the whales not only by depleting their food supply but by their mere non-stop presence for such a prolonged period of time.

Please make a concentrated effort to address the real issues here and not those that are superficial. Tribal and Non-Tribal Commercial fishing regulations must be enacted and a dedicated push for clean water legislation must be implemented if these animals are to survive.

Mike Hogan

Subject: No Zone
From: JoAnn Erickson <jody.erickson77@yahoo.com>
Date: Wed, 30 Sep 2009 14:03:21 -0700 (PDT)
To: Orca.Plan@noaa.gov, Orca.Plan@noaa.gov

Hello

My name is Jody K. Erickson, I am a local boater in Bellingham. All local boaters realize the need for protection of our local resources however, I urge you to please do not implement the Vessel No Zone in our area. This will have a significant impact on our local recreational boaters in the Bellingham Area. Please reevaluate this and take into consideration my request.

Jody King Erickson
Fleet Captain
Bellingham Yacht Club
360-223-2119

Subject: San Juan Island No Go Zone
From: newhorz@comcast.net
Date: Wed, 30 Sep 2009 22:34:28 +0000 (UTC)
To: Orca.Plan@noaa.gov

Dear Sir or Madam:

I wish to go on record as objecting to the proposed "No Go Zone" along the West side of San Juan Island.

While I appreciate the critical importance of the Orca habitat that this area represents, I believe a total No Go Zone is a disproportionate response to the need to protect Orcas and their habitat.

I have often seen private boaters and commercial whale watch operations violating the existing regulatory zones of protection around swimming Orcas. What is needed is more stringent zones of protection around active Orcas that are enforced, with heavy fines and boat confiscation, and a complete ban/ban on commercial whale watching businesses in the San Juans.

It is these commercial whale watching ventures who are the biggest offenders and who raise the demand for and profile of "whale watching" on the sea, which in turn creates an atmosphere in which individuals consider it OK to enroach on whales in their daily activities.

I would suggest considering introducing an absolute "engines off " policy in the San Juans when any boat is in the vicinity of Orcas. This would stop the current "whale chasing" actions that occur whenever pods are spotted.

Thank you for your consideration of my views.

Sincerely,
Nigel Thomson
4538 Merlin Court
Bellingham, WA
98229

Subject: Boating restriction area off San Juan Island
From: Shelli Lentz <shellijo@zeninternet.com>
Date: Wed, 30 Sep 2009 20:06:11 -0700
To: Orca.Plan@noaa.gov

Dear Sirs:

My name is Roy Lentz and I am a lifelong resident of Western Washington for 55 years.

I am very concerned about your recent proposal to ban boats from the West side of San Juan Island in an effort to protect the whales. I have been in a boat in that area when the whales have approached and I can see no detrimental effect on the whales from the boats that I am on which are generally fishing. Most of the time we are either trolling slow with a small motor and when the whales approach we raise our fishing gear and either shut off all the motors or only keep the small motor going. The whales will literally swim past our boat and certainly do not seem to be effected in any way by our boats.

Why don't you start worrying about the whales food stocks and quit trying to harass the innocent sportsman. If you didn't let the commercial fisherman rape the fish stocks along San Juan Island you would have 100 times more food for the whales in that area. I have seen the commercial guys bring in many thousands of fish that could have been left for the whales. Why punish the sportsman or the casual boater just because you have let the commercial fisherman reduce the fish stocks so much the whales have nothing to eat.

How about this, for the next 4 years, do not allow any commercial fishing off the west side of San Juan Island. See what that does to increase the fish stocks for the whales and then see how the whales respond. Or better yet, restrict commercial fishing throughout Puget sound. that would bring back the fish stocks in a hurry.

I am totally opposed to your proposed rule to ban boats from the west side of San Juan Island. I could see making rules that any boats would have to slow to under 5 miles an hour whenever the whales are within 200 yards or some such rules. Most sports fisherman do anyway. But to ban the sportsman from that area just seems like government run amuck The sportsman did not create this predicament. You did along with the commercial fisherman. Stop or severely restrict commercial fishing and watch the fish stocks return and the whale populations increase.

I have to say also, if any boaters are causing concern for the whales, it would be all the boats that constantly follow them around. The sportsman don't harass the whales in any way. If you need to restrict boats near the whales, then restrict the whale watch boats. They are the only ones I see that harass the whales by following them everywhere.

Roy Lentz
360-734-2172

Subject: Proposed No Go Zone
From: Terry Daughters <tdaughters3@comcast.net>
Date: Wed, 30 Sep 2009 20:35:56 -0700
To: Orca.Plan@noaa.gov

To Whom this may concern:

I'm against the closure of the West Side of San Juan Island May 1st through September to any vessels what so ever. If you have scientific evidence that boaters are the problem, just require/enforce their departure of the area when an Orca is within a 400 or more ft. distance. Just make it a requirement that they leave the area. In the event a No Go Zone is implemented by NOAA on the west side of San Juan Island, it should be for **all boaters** including commercial, recreational, tribal, governmental and any research vessels. We should all share the pain of not being able to enjoy boating in this area.

Thank you,

Terry Daughters
1109 St. Paul St.
Bellingham, WA 98229.

Subject: NOAA's proposed "no-go zone" - west side ;;of San Juan island
From: Jim Coombes <jim@schedulers.org>
Date: Mon, 12 Oct 2009 15:13:44 -0700
To: Orca.Plan@noaa.gov

Ladies and Gentleman

This proposal has very questionable scientific data to support it.

If government and tribal members are exempt why bother.

This appears to be another intrusion into our lives by the big brother government.
If you don't have enough to do maybe you could get a better understanding of what the growing population of seals in the San Juan's is doing to the salmon stocks.

I oppose this "no-go zone" and I further oppose any further intrusion into our lives by an out of Control government.

Jim Coombes
7031 Beach Drive S. W.
Seattle, Wash. 981136

206 6198789

Subject: NOAA in the san Juans
From: Vicki-Ann Hall <vickiannie49@yahoo.com>
Date: Tue, 29 Sep 2009 17:16:23 -0700 (PDT)
To: Orca.Plan@noaa.gov

Regarding the No=Go-Zone west of San Juan Island: Does it make any sense at all to shut out the American fishermen next to the US/Canada border when Victoria dumps its sewage close by?

This action would basically eliminate one of the best spots to salmon fish and cruise in the San Juans. Vote "NO" on this measure!

Thank you, Ed & Vicki McCaffery

Subject: No go zone
From: Glen Friedl <gfriedl@comcast.net>
Date: Tue, 29 Sep 2009 19:09:35 -0700
To: Orca.Plan@noaa.gov

I have fished the no go zone for the past 40 years, during that time Orcas have swam along side my boat while I am trolling ,keeping pace with me and making eye contact this is at 1.7 mile per hour
they come as close as 2 ft . I am trolling on a straight course ,have gone under my boat , circled the boat swam on both sides , with no fear .If our fishing were harmful to the Orca would in not make sense they would attempt to avoid us ? instead they seem to enjoy us Glen Friedl

Subject: Noaa (No Go Zone)
From: Dennis Peters <crackerjax1@comcast.net>
Date: Tue, 29 Sep 2009 19:23:21 -0700
To: Orca.Plan@noaa.gov

Dearest Noaa,It cant be a tree hugger, So maybe you people are whale and fish huggers.

I am a life long resident of whatcom county. My grand parents were here in the 1880s, I have heard stories about my deseased uncles going down over the bank to the cherry point fish traps when they were young. And about all the salmon that there were then. I watched our dumb stupid fish and game dept. Let the herring stocks be fished commercialy and be allmost be wiped out in 1968 & 1969 While I was away in the military service in Viet Nam. Before I left for the service we would never take any Herring with us while salmon fishing. The Herring were so plentiful that we as well as all the other sport fishers would catch all the bait we needed with a herring jig. The stupid game dept. now says they dont know what happened to the herring. Well let me tell you they sold the roe to japan and ground the fish into ferltizer. Dont this make a lot of sence? Take away the Herring bait fish from the salmon, Then the salmon become fewer, then down the eco chain the whales dont have as many salmon to feed on,ect, ect.....O yes then there is the Native Americian fishing issues..... But our game dept cant enforce the fishing with the Natives.... Lets talk about the Elk heards around the South fork of the Nooksack. A couple years back I and my son was parked next to the south fork. We pulled out our 22cal rifles and was shooting at a safe target in a safe place. I had just told my son that I wouldnt be a bit surprised if the game dept didnt show up..... well just as i quit talking here they came. Out crawls Merlin Hawkins, and a rookie, Merlin approached us as the rookie stood back with his swat team uniform, bloused boots and hand on his weapon. Merlin asked us what we were doing?Duh.....Asif he could not see. we were target shooting. He asked what the calaber the guns were? We answered 22cal. long rifle He then told us that there had been some poaching of elk down the road up behind the locked gate. I quickly assured him that it wasnt us and if it were we would not be using small bore 22 cal. rifles.We then asked who had the keys to the gate? Well now, just who do you think had the keys?The native Americans at the fish hatchery at Scookum creek just up the road.There is nothing like guarding the hen house with the fox. Who do you think was beyond the locked gate poaching?I can tell you I colld write a book about just my experinces in my life time. I have watched our country go to the dogs, or maybe the crooked politicians. Believe me when I say that its not about saving the resorce, Its all about big money, and how much can be brought in to fill the coffers.I will soon be leaving this country of ours, and moving to Canada, where there is still some Fish and game and its not as over regulated as here in the good ole; U.S.A. I have a son that enjoys hunting and fishing as I have in the past yearsI ask you not to close one of the best salmon fishing areas left in the state, the west side of sanjuan island. for his sake as well as many others

Thank you Dennis Peters ,4209 saltspring dr. Ferndale Wa, 98248 360-383-0816

Subject: Fw: letter to foward
From: Prince of Whales <info@princeofwhales.com>
Date: Fri, 15 Jan 2010 10:08:24 -0800
To: Orca.Plan@noaa.gov

----- Original Message -----
From: Rhonda Reidy
To: MARK MALLESON
Sent: Friday, January 15, 2010 9:14 AM
Subject: letter to foward

Mark - please forward to POW so that it is passed to the appropriate NOAA contact.

Rhonda

Rhonda Reidy
Master's Candidate, Fisheries Research Group
Simon Fraser University, Burnaby BC
rreidy@gmail.com

January 15, 2010

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-
-
-

RE: The proposed ½ mile exclusion zone at San Juan Island, WA

The U.S. and Canada's recovery strategy for the Southern Resident killer whale lists environmental contaminants, reduced food availability, and acoustic disturbance as key threats that can "prevent recovery."

The acoustic ocean environment is being dramatically transformed by human activity. The leading contributors to ocean noise issues are military activities, high-energy seismic surveys, and year-round, low-frequency engine noise from commercial shipping, which travel great distances. At the community level, numerous studies have looked at the effects of commercial whale watching on killer whales in British Columbia and Washington State, but the current results are inconclusive. Viewing Southern Resident killer whales can be a thrilling experience and is a precious *public resource* to be protected.

Of all the threats these animals face, *responsible* whale watching is relatively benign, and commercial whale watching tours can greatly contribute to the quality of public education on the status of Southern Resident killer whales. There is an an ever expanding, incorrect perception of small vessel impacts. Targeting whale watching is merely catering to a government "problem" of public complaints about whale watcing. I imagine that government officials feel they *must* do "something", but addressing the uglier, and very real problem of pollution, large ship noise and reduced food availability is daunting, if not impossible. Implementing a ½ mile exclusion zone along San Juan Island will only create economic hardship for the numerous ecotour businesses. It will not address the *actual* threats to these

animals, nor will it provide tangible benefits to the whales in the greater Haro Strait region. I strongly encourage NOAA to consider not implementing the proposed exclusion zone along San Juan Island.

Sincerely,

Rhonda Reidy

Master's Candidate
Fisheries Science and Management
Simon Fraser University, BC, Canada
rreidy@gmail.com

NOAA Proposed Exclusion Zone_January2010.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Subject: NO GO ZONE
From: Fred Byrum <fredbyrum@msn.com>
Date: Tue, 29 Sep 2009 20:47:14 -0700
To: Orca.Plan@noaa.gov

PLEASE DO NOT CREATE A NO GO ZONE.
THANK YOU.

Subject: proposed killer whale vessel regulations
From: Kathy Schinman <kathy.schinman@verizon.net>
Date: Thu, 24 Sep 2009 10:47:56 -0700
To: Orca.Plan@noaa.gov

Hello

I'm a recreational fisherwoman. I have been fishing and enjoying the scenery on the west side of San Juan Island (in the San Juan Islands) since the mid 1980's. This has been a family affair with our children and now their children and many relatives both in state and out of state. The expressions on these faces is priceless when they see the awesome life and beauty that the Almighty God of this universe has made out there. We are having an outing out there this next week with someone who wants to share the experience of this awesomeness.

Implementation of the EXCLUSION ZONE will eliminate this excellent fishing spot from my options. Even a quarter mile zone would significantly hurt the fishing as the best fishing is often up close to the rocks.

The Orcas do come by once in awhile when we are fishing. It's infrequent that we see them. In the summer they often do a loop that takes them up into Canada, down the Rosario Straight and north up the east side of San Juan Island and back to Canada. The loop takes them about 25 hours or so as they go with the tides. At other times they are not there. There are more fish for them to feed on west of Victoria and if they are hungry they head out there. It is not often when we see the whales. It's a coincidence when we see them.

When we do see the orcas, I've never observed them to be intimidated by our boat. In fact it's the opposite. They seem to at times put on a show for us especially if we have small children on board.

It is such a treat when we do see the whales. One thing that I have observed when we see them is that the fish quit biting and our fishing day is over. The main reason we go out is to fish and when whales are around no need to keep fishing cause they disappear and our fishing day is ruined.

I don't understand why the department is proposing to eliminate one of the best fishing spots in the entire San Juan Islands, ESPECIALLY when the population of J,K, and L pods are increasing.

Thank you for listening

Kathy Schinman
PO Box 40
Stanwood, Wa 98292

Subject: No-Go Zone, San Juan Island
From: Leslie Dorn <leslie_dorn@yahoo.com>
Date: Sat, 26 Sep 2009 11:18:12 -0700 (PDT)
To: Orca.Plan@noaa.gov

Attached are my comments relative to this proposed closure.

Terry Dorn

No-Go Zone.docx	**Content-Type:** application/vnd.openxmlformats-officedocument.wordprocessingml.document **Content-Encoding:** base64

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

September 26, 2009

Re: Proposed Half Mile No-Go Zone, San Juan Island

I'm a recreational fisherman living in Anacortes. I have fished Area 7 (San Juan Islands) for the last 30 years and more specifically that area indentified above for the last 20 years. You are probably aware of the fact that salt water fishing opportunities for recreational fishermen in the Puget Sound and North Sound regions have been greatly curtailed during the last 30 years in order to protect certain salmon runs and the treaty rights of Native Americans.

One of the last few productive fishing spots available to recreational fishermen is the half mile area along the west shore of San Juan Island that your agency is recommending as a No-Go Zone. I believe that closure of this area (May through September) to recreational fishing is unfair, unreasonable and unnecessary. "So what" you say "we are not interested in your fishing opportunities but only in protecting our resident Orca whale population". Rightfully so. Believe it or not, fishermen want them protected as well.

So then, let us address this No-Go Zone proposal. As stated earlier, I have fished this No-Go area for salmon for the last 20 years, primarily in late summer and early fall. During this period there are as many as 20 to 50 recreational fishing boats and at times from 10 to 14 commercial fishing boats in this area. I can count at least five times when the Orcas have come directly through this corridor packed with fishing boats who are minding their own business slowly trolling their fishing lines on downriggers.

We did not seek out the Orcas. They came through on their own accord not once contacting or disturbing our fishing gear. The experts say that Orcas are one of the smartest Mammals on earth, so wouldn't you think that if they were disturbed or threatened by our presence they would have gone around us? In fact, there is evidence by personal experience that they seek us out. They are a curious species. There is no scientific evidence that recreational fishermen are a threat to Orcas while fishing.

If you must do something, I suggest a ruling where fishermen upon seeing approaching Orcas are required to pull their gear, turn off their sounders (fish finders) and remain in place with only enough headway to keep their boats out of danger until the Orcas have passed. The fishing is lousy anyway when Orcas are present so most of us would agree to this. But don't make us move out of their way

as this would be too disturbing to the whales. Can you imagine 50 boats powering away at the same time?

In conclusion, please be sensible about this issue and base your decision on true scientific evidence not on guesses, misinformation, or biased emotional feelings.

Submitted this September 26, 2009 by

Terry R. Dorn

Subject: San Juan Outfitters - PWWA Comments
From: Brian Goodremont <brian@sanjuanislandoutfitters.com>
Date: Mon, 28 Sep 2009 17:20:11 -0700
To: 'Kari Koski' <soundwatch@whalemuseum.org>

Kari,

Thanks for taking so much time today to speak with me. I think we outlined some very good things today, and I wanted to summarize them to make sure we don't lose any common ground. It seems that we agree on the following:

1. Education is a key component to any federal rules that pass. Without broad public education, compliance will continue to be difficult.
2. Enforcement is a key component to any federal rules that pass. Without enforcement, Southern Resident Killer Whales will continue to face potential vessel effects.

Other items we discussed today that we can find compromise on:

3. ¼ mile no go boat zone Mitchell Point to Eagle Point May 1- September 30 WHEN WHALES ARE PRESENT
4. ½ mile "slow zone" (less than 7 knots) Mitchell Point to Eagle Point May 1 – September 30 WHEN WHALES ARE PRESENT
5. NOAA/WDFW/ trained enforcement present daily with whales in highest traffic area May 1 – September 30 8am – 6pm
6. All vessels entering new "orca zone" are required to monitor a specific VHF channel, where announcements will be made when whales are present. An example of a broadcast: Public Announcement for "orca zone". Whales are currently in the southern half of the orca zone. All vessels must immediately move out of the ¼ no go zone and slowly proceed offshore. Vessels continuing to operate inside this zone are subject to Federal laws. You may contact law enforcement vessel _____ or education vessel_____ to learn more on how to proceed. The NOAA/WDFW vessel will know where the whales are because they will receive information from PWWA, Soundwatch, and other research sources.
7. Commercial Kayak companies operating under best practice guidelines should be exempt from the ¼ mile no go zone, and will avoid the path of whales as a standard operating procedure.

The only area where we disagree is on the vessel approach distance. Here is where I would like to continue dialogue, because this is critical. I strongly believe that strong enforcement of the current state law of 100 yards will push commercial operators to the desired 150-200 yard distance. This is true because vessels inside of 100 yards will be ticketed. To avoid citations, vessels will not push the 100 yards, and will stay a comfortable 150-200 yards or more from SRKW. In essence advocating strong enforcement of 100 yards will result in a 150- 200 yard buffer you are advocating.

This 150-200 yard zone along with the speed limits will eliminate the potential vessel effects cited in the proposed rules. It eliminates noise, fast moving vessels (collision), and traffic to avoid and potentially interfere with life behaviors. This also gives the world standard of 100 yards a chance of success. We don't yet know if 100 yards can be successful, because we have not yet enforced it.

The reason I strongly oppose 200 yards is because this puts vessels at 250-300 yards from whales, which is will have a significant effect on the educational experience. Pushing vessels (in particular commercial whale watch) beyond 250 yards is not acting on the precautionary principal. We feel it is an overreaching step, not

supported by the current best science. Watching whales at 200 or greater will have an economic impact that has not yet been assessed/measured.

I hope you will pass this message onto your work group, and continue working with myself and the PWWA on a plan to propose to NOAA that works for all user groups. We believe we have the support of the sportfishers, gillnetters, and non-treaty purse seiners on this issue. Shane Agergaard (president PWWA) recently spoke with these groups and is trying to find common ground. He put out a proposal similar to the one outlined above, before we had a chance to speak. It advocates a ½ mile "slow zone" for the entire west side of San Juan. Getting user groups to agree to ¼ no go when whales are present is a big step, but we think we can get it done. Please consider strong enforcement of 100 yards and the ½ mile zone details will fall into place with the other user groups.

Thanks for your time.

Sincerely,

Brian Goodremont
San Juan Outfitters
www.sanjuanislandoutfitters.com
866-810-1483

Subject: no go area off San Juan
From: John A Martin <john@mcfueling.com>
Date: Tue, 29 Sep 2009 09:15:15 -0700
To: Orca.Plan@noaa.gov

So if there are no whales around, I still could not fish off the west side of San Juan? I have no problem getting out of the way of the whales but you are going too far. The proposed rules are for reducing engine noise. I had no idea that Tribal motors are so much quieter than mine. They are even quieter than kayaks. I refuse to look at this seriously unless everyone is banned from this area. You have turned this into a political issue instead of protecting the whales.

John A Martin

Subject: Proposed No-Go Zone by San Juan Island
From: Debbi & Brad Fincher <fincher@rockisland.com>
Date: Sat, 12 Sep 2009 13:47:04 -0700
To: Orca.Plan@noaa.gov
CC: sanjuanex@watchwhales.com

Dear Lynne Barre,

I'm writing you in regards to the proposed No-Go Zone by San Juan Island. I've lived on San Juan Island for the past 12 years and have a complete love and respect for our Southern Resident Orcas. I want nothing more than for these amazing creatures to survive and thrive in this area. I am concerned, however, in this "knee jerk" reaction to closing off the West Side of San Juan Island as a way to accomplish this.

I believe, we , as a community, and you as the government official involved to help, need more time to find the best solution to this problem. If I understand the facts as presented by researchers at the Center for Whale Research, then we are off the mark in closing this area. The biggest problem is their food source, Chinook Salmon, there just isn't enough being done to stop the degradation of salmon habitat, overfishing of this species, giving them time to properly recover, and the high level of toxins in them. Yes, vessel traffic issues need to be addressed but making this blanket sweep along the West Side of San Juan Island seems extreme and who will be there to enforce it? I would like to see more conversations taking place by many people before any drastic decisions will be made law.

I heard some refer to this No-Go Zone more as a No-Work Zone for the islanders, this impact would have many ripple effects. Again, I'm all for making changes for the best interest of the whales, but we also need to consider the direct impact this will have on the people that live here, like my family and friends. And, make sure we listen to the researchers who know these whales better than anyone else, not just those that have an agenda. You have a hard decision before you, I hope you take every effort to listen to the facts and consider all species in this area!

Thank you for your time and taking the time to really find the best solution for all parties involved.

Sincerely,

Debbi Fincher
Mom & Naturalist

Subject: San Juan Island Orca Plan
From: Geoff Andres <gandres@akchin.harrahs.com>
Date: Tue, 15 Sep 2009 13:34:33 -0700
To: Orca.Plan@noaa.gov
CC: sandres2@cox.net

As a business owner and resident of San Juan Island, I am delighted to see the work that your organization is doing to protect the Orca population. After reading the plan, there are two issues that I am concerned about.

1. I do not think the plan does enough to address the source of food for Orcas – salmon. I continue to be alarmed at the amount of salmon that is removed from the waters around the San Juan islands by commercial fishing boats. I do not believe that your plan does enough to ensure that the primary food source for Orcas is maintained.

2. The closing of access to water ½ mile from the west coast of San Juan Island is severe. Those are some of the most beautiful waters in the world to kayak and great source of joy for many. While I understand that there is a desire to relieve some boat pressure from Orcas, I do not support the wholesale closing of coastal waters to kayaks that do not impact whale behavior at all.

Thank you for your consideration to my thoughts on this topic.

Kindest Regards,

Geoff and Shaun Andres

Subject: one half mile exclusion zone
From: Mark Schinman <mark@schinman.com>
Date: Wed, 16 Sep 2009 09:25:06 -0700
To: Orca.Plan@noaa.gov

Hello,

I'm a recreational fishermen and have been fishing on the west side of San Juan Island since the early 80s. It's been a family affair first with my children and now with my grand children. It's been a lot of fun and one of the best spots to fish in the San Juan Islands. In fact I'm planning a trip in the next week or so with my niece and her husband.

Implementation of your exclusion zone will eliminate this excellent fishing spot from my options much to my chagrin. Even a quarter mile zone would significantly hurt the fishing as the best fishing is often up close to the rocks.

Yes the orcas come by once in awhile when we are fishing. It's infrequent that we see them. In the summer they often do a loop that takes them up into Canada, down Rosario Straight and north up the east side of San Juan Island back to Canada. The loop takes them about 25 hours or so as they go with the tides. At other times they are not there. There are more fish for them to feed on west of Victoria and if they are hungry they head out there. It is not often when we see the whales. It's a coincidence when we see them.

When we do see the orcas, I've never observed them to be intimidated by our boat. In fact it's the opposite, they seem to at times put on a show for us especially if we have small children on board.

It's a treat when we do see the whales. Unfortunately, you can't have everything. When we see the whales, that's great, but they spook the fish so bad,,,,,, fish quit biting and our day is over. When we go to the west side of San Juan Island, we go to fish. It's a treat to see the Orcas, but as fishing goes dead, it does ruin our day.

I don't understand why you are proposing to eliminate one of the best fishing spots in the entire San Juan Islands, especially at a time when the population of J, K and L pods is increasing.

Regards,

Mark Schinman
PO Box 40
Stanwood, WA 98292

Subject: Fisheries Service Proposes New Rules to Safeguard Puget Sound's Orcas
From: Penny Brown <goombaleena@rockisland.com>
Date: Fri, 18 Sep 2009 15:21:58 -0700
To: Orca.Plan@noaa.gov

We live on Henry Island year-round and hope that you will please rethink the need for the stringent regulations being proposed by your new bill. A 1/2 mile sanctuary zone off the islands' coasts? And for all boats...even kayaks?? This would mean that we wouldn't be able to kayak off our shoreline since 1/2 mile would put us in the middle of the Haro Strait and the shipping lanes!! That's ocean kayaking and we just want to piddle around in the quiet coves of the island. In the 13 years since we bought our property, we have NEVER seen any boats endangering the whales as they pass by (about twice a day in the summer). I would think that the real dangers to them are out in the strait where the shipping traffic is moving. The whales are smart enough to come close in to shore to protect themselves.

This is unnecessary knee-jerk behavior on the government's part. Please do not support these regulations.

Thank you,

Penny Brown and Joe Stella
685 Spring St., PMB 110
Friday Harbor, WA 98250

Subject: No boat zone comment
From: Craig Sjostrom <cdsjostrom@comcast.net>
Date: Mon, 21 Sep 2009 09:29:15 -0700
To: Orca.Plan@noaa.gov

Hello

I would like to register my opposition to the proposed no-boat zone on the west side of San Juan Island. I have been boating in the area for years, and I do not believe the whales are in any way bothered by boat traffic. I do not mind if the distance from the whales that we are to keep is increased, although I don't think it's necessary. The exclusion would simply harm boaters and fisherman without any corresponding benefit to the whales.

Thank you for your hard work on this issue and for your consideration.

Craig Sjostrom

Subject: NOAA proposed whale regulations
From: Mike Griffin <mrgriffinbay@windjammercable.net>
Date: Wed, 13 Jan 2010 15:20:08 -0800
To: Orca.Plan@noaa.gov

I am writing in response to the NOAA proposed whale regulations for San Juan Island. I absolutely support action that will minimize known "man made" detrimental impact to the Southern Resident Orca population. However, I believe that a "no go" zone along the west side of San Juan Island is unnecessarily onerous to boaters and kayakers in the area.
Also, the proposed exemptions for Native American and commercial fishermen diminishes the potential positive effects of the regulations.
I would support a "slow go" zone in the proposed area, as well as a 150 yard buffer between motorized boats along with existing regulations against following, positioning in whale's path etc.
Also, work should be initiated or continued to minimize exemptions to whatever regulations are adopted.

Thank you,
Mike Griffin
San Juan Island

Subject: Orca Plans for San Juan Island
From: George Steed <gsteed@interisland.net>
Date: Tue, 19 Jan 2010 23:42:46 -0700
To: Orca.Plan@noaa.gov

Regarding the proposed "No Go" boating zone, San Juan Island

It is no secret that the Orcas are having a difficult time just keeping their numbers at the level of the last several years. A lot of finger pointing continues: Whale Watching boats -- private yachts – airplanes – Naval sonar – kayaks!

Now you folks propose a No-Go boating scheme on the west side of San Juan Island! I would suggest that some of your staff spend some summer time on the west side of the Island and observe the large numbers of watercraft going N-S. Visualize just how difficult that is going to be to control (prevent). Then consider the monetary loss to the Island if kayaks (that's paddle powered) boats are prohibited: Tour fees, launch fees, camping fees and retails sales – perhaps $100,000 or more which is sorely needed in our Island economy.

If you want to reduce stress on the Orcas, STOP the naval sonar in Puget Sound. This is a useless activity within the Sound, so require the Navy to do their testing and practice outside the Strait.

Nearly everything you read about the plight of the Orcas, and virtually ALL whale experts (scientists) are unanimous in saying that the problem is: FOOD Get the Orcas adequate food and they will do fine, boating notwithstanding.

So please! Devote your energy, tax monies and expertise to helping develop a more consistent food supply for the Orcas and you will accomplish the desired result without creating more of a problem than you solve.

George D. Steed
285 Neil Bay Dr.
Friday Harbor, WA 98250

Subject: enforcement of endangered orcas
From: kkuster777@aol.com
Date: Thu, 14 Jan 2010 11:01:24 -0500
To: Orca.Plan@noaa.gov

Hello NOAA
do the right thing.
the orca is legally designated endangered.
you have to enforce protection of this animal.
put boats on the water. Educate the people
closing the westside is a worthless idea

Subject: San Juan Island, West Side
From: ejferro <ejferro@rockisland.com>
Date: Thu, 14 Jan 2010 09:41:34 -0800
To: NOAA <Orca.Plan@noaa.gov>

I am opposed to a "No Go Zone" for the west side of San Juan Island.

It seems to benefit only those with a **big financial interest** in it:
Whale Watch Tourism catering to the wealthy.
Professional Marine Biologists looking to find some type of employment.
Commercial Fishermen who are depleting the salmon runs and the food supply for the Orcas.
The Native fishermen who retain fishing rights, but not their traditional fishing methods.

I would accept a "Go Slow Zone" as we only travel about 2 knots when trolling, otherwise viewing whales is better done from shore. Gill nets and purse seines should also be outlawed.

Jan Ferro, San Juan Island and tax payer since 1988.

Subject: RE: Public Comment input for Southern Resident Killer Whale ESA Recovery Plan Implementation
From: "Joe \"JJ\" Johnson" <JJohnson@AEA-Inc.biz>
Date: Fri, 08 Jan 2010 15:28:36 -0800
To: Orca.Plan@noaa.gov

I wish to revise and extend my comments pertaining to the Southern Resident Killer Whale ESA Recovery Plan implementation.
I'd like to correct the fact contained in my comment that the Southern Resident Killer Whales travel in an average 26 hour clockwise, vice counter clockwise hunting pattern. Additionally, I misspelled Haro Straight.
I also wish to include the attached Seattle Times article which captures the sentiment of the best solution—rebuilding the Chinook Stocks. You will note that, according to the article, all parties agree to this as the best solution to maintaining a healthy Southern Resident Orca population.

Proposed rules would restrict boating in orca feeding areas

Puget Sound's killer-whale population enjoys a tiny comeback but is still endangered, prompting proposed federal regulations to restrict recreational boating in the 2011 boating season.
By Lynda V. Mapes
Seattle Times staff reporter
◂PREV of NEXT ▸

⊕ enlarge JEFF HOGAN / C/O CENTER FOR WHALE RESEARCH
J pod's newest baby orca, just a few days old, swims alongside its mother earlier this week in Puget Sound.
Related

- The Center for Whale Research
- Archive | Scientists find contaminated orca food
- Archive | Recovery plan for orcas: $50M, 30 years (2006)

For more information
PROPOSED REGULATIONS and how to comment:
www.nwr.noaa.gov, click on "Proposed Killer Whale Vessel Regulations"
Recent work by the fisheries service toward recovery:
www.fws.gov/Endangered, and click on the Summer 2009 bulletin

The first baby orca of the year has been born to J pod, boosting an endangered population of whales that needs every birth it can get.
The calf was spotted chugging alongside its mother in Puget Sound between Des Moines and the north end of Vashon Island on Sunday.
The birth brings to 88 the population of southern resident killer whales that frequents Puget Sound. That's a bit of a comeback after a drop in population of 20 percent between 1996 and 2001. Orcas, a species of dolphin, were listed as endangered in November 2005.
"This has us back on an increasing trend, and that is good news," said Lynne Barre, marine-mammal specialist for the National Marine Fisheries Service. However the baby's mother, born in 1998, is quite young, raising concern for the survival of both the mother and her offspring. Orcas don't usually come into their reproductive years until they are about 15.
Births among the southern resident orcas are not unusual; last year there were five. But the youngsters often die, so they aren't officially counted in the orca population until they are a year old.
The Marine Fisheries agency has proposed regulations to protect orcas, including new restrictions on whale watching. The rules would create a no-go zone for recreational-vessel traffic along the west side of San Juan Island, where the orcas spend much of their time feeding in the summer months.
The zone would extend one-half mile from the shore, from Mitchell Bay to Eagle Point, about a six-square-mile area, from May through September. Treaty-protected tribal fisheries would not be affected.
Whale-watch boats anywhere also would have to keep 200 yards away from the animals — double the limit in state law today — and would not be allowed to park in the path of oncoming orcas.
The regulations would be put in place for the 2011 boating season.
The regulations are intended to reduce vessel noise to avoid interfering with echolocation, a kind of sonar orcas deploy to find fish, Barre said. Orcas also are more active at the surface in the presence of boats, leaping and tail slapping, expending precious energy, she said.
The public-comment period on the proposed rules, which has already been extended once, expires Jan. 15.
The feds have been getting an earful from recreational boaters, whale-watch charter operators and conservationists who argue the real issue isn't recreational boat traffic, but rebuilding chinook salmon populations in Puget Sound for orca to eat, and reducing pollution.
The orcas depend largely on a threatened fish — Puget Sound chinook — for survival. And orcas, long-lived mammals at the top of their food chain, are among the most toxic animals in the world, because pollutants concentrate in their blubber over the years.
Ken Balcomb, director of the Center for Whale Research in Friday Harbor, doubted vessel restrictions would make any difference in orca survival. He argued that echolocation clicks made by the orcas to find food occur in a different acoustic range, so vessel noise isn't masking sounds the whales need to hear.
"I think it's a cop-out," Balcomb said. "It's let these vessels take all the heat instead of the issue of salmon and habitat." He would rather see a no-fishing rule than a no-boating one.
Recreational-boating interests are arguing for better enforcement of the 100-yard approach limit now in place, and a go-slow, rather than no-go zone.
"Let's monitor the enforcement, and see how it's working, and if we need to, toughen up," said Frank Urabeck, a consultant representing sport fishermen and other recreational interests. "To us this wouldn't make a difference to the whales, but it would kick an industry that's already hurting."
Lynda V. Mapes: 206-464-2736 or lmapes@seattletimes.com

From: Joe "JJ" Johnson [mailto:JJohnson@AEA-Inc.biz]
Sent: Tuesday, September 22, 2009 12:46 PM
To: 'orca.plan@noaa.gov'

Subject: Public Comment input for Southern Resident Killer Whale ESA Recovery Plan Implementation

Due to recent Achilles I am making a written input in lieu of input via the public meeting scheduled for Anacortes. First let me thank you for allowing additional public input at the Anacortes forum. I think you will find great interest and input which will better guide the decisions NOAA planners must make for Southern Resident Killer Whale ESA Recovery Plan Implementation.

I believe the no-go zone proposed is untenable on many levels—some of which I will address in this input. Undoubtedly there will be more. I don not believe there is adequate science backing the zonal restriction. Commercial whale watch vessels, which contribute greatly to the local shoe economies of two nations already comply with considered and adequate guidelines. It will be interesting to see how international treaties will impact the rule adoption over and above the already accepted volunteer guidelines—in fact the growth in the Orca population could, in some manner, be attributed to observance of these guidelines.

Why are other species of whales not endangered included?

As a frequent recreational fisher of these waters, I can tell you that the Killer whales generally make a 25-27 hour counter clockwise traverse of the straits around the San Juan Islands and come into as much, if not more contact with vessel traffic at all points along their travels in Hero & Rosario Straight and Bellingham channels. Using the same rationale as the outer side of San Juan Island NOAA should restrict traffic within the same distance surrounding the entire Island group. It seems the science falls short as to the remedies versus effects

Finally, having recreationally fished the west side of San Juan Island on a frequent basis since 1996, I have never witnessed any recreational fishing vessel interfere with Orca or any other species of whale in that area. At a minimum vessels actively engaged in recreational fishing should be an included group should the science support establishment of such a zone. It's needless to say, but I will point out that other allowed vessels would have the same or greater impacts. Also there could be tribal-US fishing rights impacts as the Boldt decision allocated fisheries to tribal and WA enforced fisheries 50-50. The no fishing zone may have ramifications to those treaties as well as US Canadian treaties alluded to above.

Joseph Johnson
Anacortes, Wa

Subject: Comment on Orca Plan for San Juan Island--Kayaks
From: Susan Tommervik <suetommervik@gmail.com>
Date: Wed, 05 Aug 2009 08:52:15 -0700
To: Orca.Plan@noaa.gov

Hello--

I am a Whatcom County, Washington resident who frequently travels to San Juan Island to kayak. I understand the proposed regulations for Orca protection on San Juan also exclude kayaks

I feel this is too extreme. Human powered, non-motorized vessels pose very small disturbance to these wonderful creatures. Guides are trained in observing respectful distance for safety as well as ethical reasons. Kayakers do not disturb sonar functions of orcas.

Please reconsider and continue to allow kayaks to travel this remarkable coastline.

Thank you
Susan Tommervik
6080 Hoff Circle
Everson, WA 98247

Subject: Save Kayaking on San Juan Island
From: Care Maree Harper <caremaree@gmail.com>
Date: Wed, 05 Aug 2009 09:46:50 -0700
To: Orca.Plan@noaa.gov, Lynne.Barre@noaa.gov
CC: angie@crystalseas.com, Ross Brown <ross001@centurytel.net>

Hello,

My family has lived on San Juan Island for nearly 40 yeras. I am writing to show my support for the kayak operators of San Juan Island. Please do not prohibit kayaking along the west side of San Juan Island in the name of protecting our orca. Organizations like Crystal Seas and Soundwatch are doing an excellent job of stewardship for our orca by teaching kayakers and boaters to respect the orca and their habitat. Kayakers do not pose a threat to the orca. Orca are intelligent, they are aware of their surroundings and can easily maneuver away from a kayak if they so choose. However in most cases they are curious and want to interact! Kayakers show more respect for the marine environment than many of the boaters speeding through Haro Strait on their way from Seattle to Roche Harbor. Kayak operators employ island locals and contribute to the local economy in a positive way. Please do not take away the livelihood of such respectable islanders.

Sincerely,
Care Maree Harper

Subject: Comment on the proposed West Side closure
From: James Most <jamesmost@gmail.com>
Date: Wed, 05 Aug 2009 13:16:15 -0400
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

Hello,

I formerly worked as a Sea Kayak guide on the West side of San Juan Island. In my opinion, any closure to boat traffic should be careful to make distinctions between motor craft and kayaks. Kayaks are not the problem-- they don't make noise, they don't pollute, and they cannot harm an Orca. Kayaks and canoes have been sharing these waters form thousands of years with these whales, and they shouldn't be blamed for the problems associated with reckless motorcraft and whale watch boats.

Kayaking is a cornerstone of the local economy and does not interfere with the whales. Don't let it become a victim of regulations that should truly focus on the problems- namely the pollution of the puget sound and habitat loss for the chinook.

James Most

Subject: kayaking
From: "Jack R. Clay" <jackrclay@comcast.net>
Date: Wed, 05 Aug 2009 19:28:59 -0700
To: Orca.Plan@noaa.gov

Please do not close the Westside to kayaking..
I use the park almost daily (weather permitting) to enjoy the water..
I have lived on the Westside for 15yrs. and would miss my kayak trips in the summer...For me it is the only place that does not cost me to launch my kayak..Thank you.... Jack R. Clay Westside rd...

Subject: Boating no-go zone on west side of San Juan Island
From: Leo Michael <leo@swanberg-judkins.com>
Date: Thu, 06 Aug 2009 09:31:16 -0700
To: Orca.Plan@noaa.gov

I respectfully request that the wording of this proposed rule be changed to allow the use of Kayaks along the west side of San Juan Island closer than 1/2 mile from shore. The economic impact of this proposal will be severe to the local economy which is already struggling due to the effects of the overall economic slowdown. These restrictions will cause Kayak tour operators to close their doors. This in turn will mean fewer purchases at the local grocery store, fewer rooms rented at the local hotels, fewer bicycles rented at the local bike store, fewer meals purchased at local restaurants, fewer ferry tickets purchased to get here, and my business will lose the revenue generated by providing insurance to these businesses.

Please do not continue to create restrictions and rules that further damage our economy. The impact of a kayak skirting the shores of the west side of San Juan on one of the strongest, most dominant mammals on the planet is laughable. Please, think about what your actions are doing to our community in deference to dubious science. Stop killing jobs and recreation.

Sincerely,
Leo G Michael

Subject: Proposed closure of the West Side of San Juan Island
From: Emily Burney <emilyjaybee@gmail.com>
Date: Sun, 02 Aug 2009 20:40:53 -0500
To: Orca.Plan@noaa.gov, Lynne.Barre@noaa.gov

I have recently learned about the proposed closure of the west side of San Juan Island, and like so many others I do not support this suggestion;
Kayaking is a huge part of the San Juan Islands, and not just for the money generated. It allows for hundreds, even thousands, to experience nature in an unobtrusive intimate setting that most city slickers can never fathom. Experiencing nature this way plants the seed of appreciation that can go on to grow many others, and leads to awareness and conservation in people's daily behavior.
So why don't we kayak somewhere else -- why don't we take these unaware city slickers along the east side of the island? Because without the intrigue of spotting "KILLER WHALES!" kayaking just won't attract people in the same way.
Personally, I take each and every trip as my chance to inform all who come kayaking with me of the grave danger that these orca whales are in. Without this opportunity to have personal contact with eager listeners, those people would have no idea.
I could go on and on, but with the influx of similar e-mails that I'm picturing inundating your inbox, I won't keep you any longer. Please understand, that by implementing these standards, kayaking would cease to exist. I strongly urge you to reconsider the current proposal, and to allow kayakers to paddle within a half mile of the west side of San Juan Island.
Thank you,
Emily Burney

Subject: Kayakers
From: Paul Monahan <outdoorpaul@gmail.com>
Date: Mon, 03 Aug 2009 02:49:37 +0100
To: Orca.Plan@noaa.gov

I support the Kayakers that wish to paddle the coast of San juan Island, east or west side
 - ridiculous that they would be interfering with or scaring the whales!!

--
Paul Monahan

Subject: HI Lynne
From: CHARLIE COMSTOCK <charliecomstock@msn.com>
Date: Tue, 04 Aug 2009 17:01:45 -0700
To: Lynne.Barre@noaa.gov

Hi Lynne,

I am opposed to the proposed elimination of kayaking along the West side of San Juan Island.

Regards,

Charlie Comstock
62 Hummingbird Lane
Sequim, WA 98382

Key points

* Kayakers stay along the coastline for safety reasons
* Commercial kayak companies are only allowed to launch from San Juan County Park on the west side, Jackson's Beach and Turn Point (which used to be free but now we pay for usage)
* Kayak companies create revenue for San Juan County Park and all of the other county parks in the San Juan Islands (they are already under funded because of budget cutbacks).
* Kayaking is non toxic, quiet and an environmentally responsible way to see and teach about wildlife and the Puget Sound.
* People have been kayaking and canoeing here for thousands of years
* Kayaking private and commercial is able to generate $10,000,000 per year into our local economy which is already struggling.
* The affects of this closure will be felt for many years
* We are willing to have guidelines that we all follow but it is unreasonable to close off the west side.
* It is not reasonable to tell us to just go someplace else. The orcas are what bring people to San Juan Island to kayak. Without the opportunity to see them, one of our top industries will die and a highly successful environmental educational forum will go away.
* Closing the west side to all kayaking won't save the whales; only saving the Chinook salmon will.
* Kayakers don't startle whales. Whales use echolocation to navigate. They know we are there from far away.
* Ask them to amend the proposal to allow kayakers in the no go zone off the west side of San Juan Island.

Subject: Orca Plan
From: Frank Ladd <billyfrank333@yahoo.com>
Date: Mon, 03 Aug 2009 18:18:11 -0700 (PDT)
To: Orca.Plan@noaa.gov

I think the plan to close access to half of the island to kayakers is a bad idea. I don't believe it will help the whales or their cause.

Frank Ladd

Subject: closing of the West Side for Kayaks
From: Jeanine Earnhart <expressions@rockisland.com>
Date: Tue, 04 Aug 2009 11:18:45 -0700
To: Orca.Plan@noaa.gov

I am not in favor of closing the West Side of San Juan Island to commercial kayaks. Please consider the following reasons from Crystal Seas kayaks:

Key points

- Kayakers stay along the coastline for safety reasons
- Commercial kayak companies can only use San Juan County Park (west side with much wildlife) and Jacksons Beach (east side with minimal wildlife) because it is illegal on every other beach on the island.
- Kayak companies create revenue for San Juan County Park and all of the other parks in the San Juan Islands (already under funded because of budget cutbacks).
- Kayaking is non toxic, quiet and a environmentally responsible way to see and teach about wildlife and the Puget Sound.
- People have been kayaking and canoeing here for thousands of years
- Kayaking private and commercial is able to generate $10,000,000 per year into our local economy which is already struggling from accommodations, restaurants, local shops, merchants, banks, accountants, the schools, charities, taxes, etc. There will be a trickle down effect if we lose our kayaking revenue that will be felt for years to come.
- We are willing to have guidelines that we all follow but it is unreasonable to close off the west side.
- It is not reasonable to tell us to just go someplace else. The orcas are what bring people to San Juan Island to kayak. Without the opportunity to see them, one of our top industries will die and a highly successful environmental educational forum will go away.
- Closing the west side to all kayaking won't save the whales.
- Kayakers don't startle whales. Whales use echo location to navigate. They know we are there from far away.
- Please amend the proposal to allow kayakers in the no go zone of the west side.

Jeanine Earnhart

Subject: Oraca madness
From: Scott Robinson <srobinson@CPRmanagementservices.com>
Date: Thu, 01 Oct 2009 17:19:41 -0700
To: Orca.Plan@noaa.gov

Step away NOAA.

I love to kayak the west side of SJ Island as do many others.

I Remain,

Scott Robinson

CPR Management Services, LLC

The West Wall Building at Fishermen's Terminal
4005 20th Avenue W, Suite 228
Seattle, WA 98199

phone 206 838 8490
fax 206 838 8492
cell 206 779 3307

srobinson@CPRmanagementservices.com

Subject: Whale watching restrictions and 1/2 mile "no go" area
From: Larry Culver <lculver1@me.com>
Date: Fri, 02 Oct 2009 10:11:16 -0700
To: Orca.Plan@noaa.gov

NOAA,
Please consider this email as an objection to the 1/2 mile boating restriction on the West side of San Juan Island.

I live on the West side of the island and daily watch the boating activity and the whales. I frequently take our 18' fishing boat out to watch these wonderful animals and have observed many others doing the same. The whale watching boats, primarily Canadian, are usually respectful and keep their distance from the animals. Occasionally a pleasure boater will get in the path of the orcas and not know what to do. These boaters are usually not from the area and simply are not knowledgeable of the existing restrictions. No matter what limit you may place on these waters, this vacationing boater will violate your rules now and in the future.

Kayakers should have no restrictions. They have no engine, no sonar and to the whales, simply a "log on the surface"! I am not a kayaker but believe they are a centuries old part of our culture and should be left alone.

From my West side home observation, I am appalled at the impact of commercial fishing in the area. Last month at least six purse seiners fished the area south of Henry Island to south of Lime Kiln Point, pulling thousands of salmon from the waters. I believe the most significant threat to the orcas is the commercial fishermen, not the vessels watching them. The fishermen are removing the food chain for the orcas and if allowed to continue, the whale will not survive. Yet your 1/2 mile boating restriction specifically excluded the commercial fishermen. If your goal is to protect the orcas, not considering the impact of commercial fishermen makes no common sense!!!

Thank you for considering my comments.

Larry Culver

Subject: NOAA PROPOSED REGULATIONS FOR KILLER WHALES IN WASHINGTON STATE
From: Derek Mitchell <dmitchell@cisseattle.com>
Date: Fri, 02 Oct 2009 13:19:17 -0400
To: Orca.Plan@noaa.gov

I would like to weigh in my thoughts regarding the newly proposed NOAA vessel regulations intended to protect Puget Sound killer whales. I sat through three hours of testimony last night at the Seattle Aquarium from representatives from NOAA and the Puget Sound community. The NOAA representatives explained their intentions regarding killer whale protection, their studies that helped them come up with a new plan and the newly proposed regulations. That presentation was followed by over 70 local respondents, all but two of which adamantly opposed the new regulations.

I will get to my main opposition in a moment. But, I wanted to first point out how odd I thought it was that such a coalition had gathered to oppose these new regulations. Typically, new regulations would have the support of one group or another. But, this group had one thing in common, they all want to see these incredible animals protected. And, what is odd about this coalition, nearly unanimous in their opposition, is that it was comprised of many groups who, normally, don't care for one another. This group included tour operators, commercial fisherman, kayakers, local land holders, scientists, recreational fisherman, recreational boaters, charter fisherman and naturalists (some even from NOAA) who all stated their opposition to these newly proposed regulations.

Obviously, many of these groups have their own reasons for their opposition. Many have personal economic reasons. But they all opposed the "scientific conclusions" that was the impudence of these proposed regulations. They also shared their 10, 20, 30 and even 40 years of individual personal experience and observations of killer whale behavior and activity. They shared stories of the effectiveness of the whales fishing abilities in this area. They shared the magical encounters they have had with these inquisitive and intelligent creatures. They shared the nurturing spirit of these animals with their young. They shared stories of the playfulness of these creatures near their vessels. Most of this behavior and "increased surface behavior" shows that these animals chose to interact with the vessels in this area, instead of being forced to "change swim patterns" and "decrease foraging." These shared experiences directly contradict the conclusions of the "studies" NOAA had solicited.

I also believe the economic impacts of these new regulations are many, and are definitely underestimated by the NOAA studies. The impacts in the studies don't take into account the rippling effect of lost jobs and lost tourism to other businesses within this struggling economic region. From my own experience, I know that the majority of local businesses on San Juan Island depend on tourism. The increased fares of the Washington State ferries over the past five years have slowed down that flow of tourists. But, we still make the effort, due to our love of the killer whales. By closing off the west side of San Juan Island to boaters, you will, in essence, close off the reason for many of us to endure the trip to the island, crippling the struggling local businesses--not just the tour boat businesses. Additionally, those who still chose to go will overburden the limited land based viewing areas of Lime Kiln Park and San Juan County Park, areas that do not have the infrastructure, nor the budgets to accommodate the increased usage.

Another concern I have is that the stated goals of the new regulations is to protect feeding opportunities for the killer whales on the west side of San Juan Island. Yet, the only exemptions to the No-Go Zone are commercial and ANY native American fisherman. Does this not sound counter

productive? How do you save habitat and fish supply by encouraging the resource you are trying to protect to be fished?

Another stated goal of the No-Go Zone is to reduce the potential for a vessel impact with the whales, even though there has never been a documented occurrence of such an event.

My main opposition to these new regulations is that I feel that they unfairly target kayakers and force those who have the least negative impact on the protection of killer whales to pay the highest price. The proposed No-Go Zone effectively closes off the western coast of San Juan Island, one of the most beautiful boating treasures of Puget Sound, to all but the most experienced kayakers. It will force less experienced kayakers to venture further out into shipping lanes and into opportunities to get into trouble with currents and weather. These regulations will, without a doubt, jeopardize the safety of these paddlers and will at some point cause serious and life threatening incidents.

I agree that the tour and recreational boaters need to be better regulated. But, the question arises about enforcement of all of these new regulations. If you don't have the ability to enforce the current regulations, how will you enforce the new ones? It seems the approach of NOAA with these proposed regulations is akin to closing a highway because you don't have troopers to enforce the speed limit. Not a practical solution to the problem.

The No-Go Zone will force all other vessels trying to view killer whales to gather and wait at the border of the zone, awaiting the arrival of the killer whales. The whales will then have to negotiate through a condensed flotilla of boats, on both sides of the zone, that will truly force the whales to deviate from normal behavior. So, instead of having the killer whales move freely through a widely scattered array of boats, you will be forcing them into a "stadium" of viewers on motor boats. You won't have reduced the whales exposure to these vessels at all! You will make the situation worse.

But, to get back to my point, **kayakers are paying the highest price**. The impact of kayakers to killer whale activity is negligible. A kayak in the water is not much different than one of the thousands of logs that continuously float around Puget Sound. Unlike boats, kayakers can not run down, chase and "hunt" killer whales like tour operators and other boaters. We do not have spotter planes and huge economic machines forcing, and in many facts, guaranteeing encounters with these creatures. No, our interaction with the animals is more by chance. Of all the time in the 20 years I have spent kayaking this specific body of water, my time spent within 1/4 mile of killer whales is less than 1%. Yet the proposed regulations are trying to eliminate the other 99% of the time I spend out there.

I don't think that it is right for the Federal Government to step in and step on newly adopted state laws, created by scientist, environmentalists, activists and the Puget Sound community that have a more intimate understanding and are more closely in touch with the true environment trying to be protected. These state laws have recently been introduced and are already having a very positive impact. We need to give them a chance to continue their progress toward protecting this endangered species. We need to get past the academic opinions of a few (who may have their own agendas regarding the issues) and get in touch with the realities of the thousands who experience and have a better working education of this specific environment. Utilize the resources that are the most knowledgeable and continue to implement their suggestions. Don't make unnecessary and over-reactive steps and regulations that would have such a drastic impact on all involved, do little more to protect the killer whales and that would take a Herculean effort to have reversed.

I think NOAA should work together with the local communities, educate the public, enforce

acceptable regulations, and focus their resources and attention on the real, and scientifically supported culprits of the demise of killer whales--reduced fish stock and pollution. The thousands of people from all over the globe, who have been given the opportunity to see these magnificent animals up close and in their native environment, have become ambassadors for the whales because of these experiences. With these ambassadors and supporters, you will have a growing army that will help you tackle the tougher issues of pollution and fish stocks. Tackle these IMPORTANT issues, and you will help ensure the survival of these amazing creatures for generations to come.

Derek Mitchell
2515 26th Ave W
Seattle, WA 98199

Subject: comment on National Marine Fisheries Services proposal for no-go zone on San Juan Island
From: Eric Adelberger <eadelberger@yahoo.com>
Date: Wed, 30 Sep 2009 19:38:58 -0700 (PDT)
To: Orca.Plan@noaa.gov

Dear NOAA

We are kayakers, orca lovers and San Juan Island property owners , but find ourselves in disagreement with one aspect of
the National Marine Fisheries Services proposal for no-go zone on the west side of San Juan Island that includes **muscle-powered craft** as well as motorized vessels. This is ridiculous, as muscle-powered boats make very little noise and their maximum speed is low enough that orcas can easily outrun them.

A month or so ago, we were having a picnic lunch on the Land Bank property a few miles south of
Lime Kiln State Park and watched a group of kayakers raft up on a kelp bed. A little while later two pods of orcas swam up from the south and several of them began to frolic (my non-technical term) at the edge of the kelp bed paying no apparent notice to the kayakers. So on the scale of things that disturb orcas, kayaks are way down on the list compared to speed boats etc.

Furthermore,
there are only a very few places to launch and take out kayaks that offer the opportunity to see the animals. The situation is quite different for motor boats that can leave from many places and get a chance to view orcas.

Thank you.

Eric and Audra Adelberger, 812 San Juan Dr, Friday Harbor 98250

Subject: Comments on orca plan
From: Nora Ferm <noraferm@hotmail.com>
Date: Fri, 02 Oct 2009 17:48:55 -0700
To: Orca.Plan@noaa.gov

To: orca.plan@noaa.gov
Donna J. Darm
Assistant Regional Admin
NOAA/NMFS
7600 Sand Point Way NE
Seattle, WA 98115

Dear Ms. Darm,

My family has lived on San Juan Island for many years. I spend every summer there with them. Every year I grow more concerned about the increasing numbers of boats that pursue the orcas. Last August I was standing outside my parents' house and saw one motorboat get within just a few meters, with its motor running. I know that boat noise interferes with the orcas' ability to communicate, and to find and catch fish. I am so sad to learn that post-mortem autopsies of dead orcas reveal that many of them are basically starving.

I would wholeheartedly support the proposed rules that would prohibit vessels from approaching any orca closer than 200 yards and forbid vessels from intercepting or parking in the path of a whale. I think that the half-mile-wide no-go zone needs to be described in more detail, however, to allow the responsible use of very small craft for those of us who live on the west side of the island and who care about the whales and make sure that our behavior does not hurt them.

Thank you for considering my comments.

Sincerely,

Nora Ferm

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

Subject: Kayaking on W side of San Juan
From: Allen Wahlman <a.wahlman@hotmail.com>
Date: Mon, 07 Sep 2009 08:39:50 -0700
To: Orca.Plan@noaa.gov

I was just kayaking on the west side of San Juan and later heard that there is a proposed ban of any boats in this area.
I could not believe what I heard. even kayaks?
if anything kayaking should be encouraged, they are silent and are only about 3 inches under water.
I noticed barges, fishing boats, and huge yachts all over the place. and I understand regulating these.
keeping kayaking legal in this part would encourage boaters to get out of their big consumer way and look at nature with a gentle footprint. it would be harmless but still bring in tourism to san juan and when a person is kayaking they do not stay on the water nearly as long. if in a boat you could sit for hours following and chilling out. but in a kayak you have to keeping working and burning energy to stay near.
Kayaking is no danger whatsoever.
Please consider on my behalf.

Allen

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

Subject: Comments on No Go Zone
From: Annette Mentzer <armentzer@gmail.com>
Date: Mon, 12 Oct 2009 19:33:40 -0700
To: Orca.Plan@noaa.gov

Respectfully submitted,
James and Annette R. Mentzer
206-789-6014
315 NW 49th St.
Seattle Washington

September 30, 2009
National Marine Fisheries Service

Jim and Annette Mentzer
206-789-6014

Re: Comments on proposal to restrict boaters from Western coast of San Juan Island and expand the exclusion zone around whales in the San Juan Islands.

Rules Laudable, Kayak Data Flawed.

- We support increasing the boat-to-whale distance so long as it is noted that whales sometimes approach watercraft. We are not the only sea kayakers to report that curious whales have approached our craft. We not only were not hunting whales we cannot hunt them.

- Data that supports Kayaker intrusions into the Robson Bight do not take into account that the Bight entrance is poorly marked. We inadvertently entered the Bight while trying our best to comply with all marine laws and rules. Clear signage land side (we are coastal craft) would make it easy for those who wish to be responsible users of the resource. Without this clear signage further unauthorized intrusion by kayakers is inevitable.

Half Mile Exclusion Zone Creates Hazard for Human Safety

- Sea Kayaks are essentially costal craft. We are safest within reasonable reach of shore. A half mile is not a reasonable distance. Experienced kayakers can and do make long crossings over open water. Most paddlers are not up to that challenge. Forcing paddlers this far out will increase the risk of kayaker accident and death. There are already too many kayaker deaths recorded in this area.

- Limiting access to the shore would all require all but the elite paddlers to take the more populous eastern route, thus increasing our impact on that ecosystem.

- This would eliminate the use of long published and well known public launch points on the Western side of the Island reducing the public's already restricted access to the San Juan Islands.

- Hard experience has taught the paddling community that we are very difficult for the Coast Guard to locate. Paddlers in distress in this "no-go" zone would have no safe alternatives other than landing and being vulnerable to ticket and fine by overzealous enforcers. Rules that say a distress stop may be made will not necessarily prevent paddlers being harassed by locals and enforcers. I would not wish to debate with a shore protector about what constitutes "distress".

In Conclusion

We support whales and efforts to make Puget Sound a safe ecosystem for them. We do not wish the promulgation of rules to further restrict the kayaking community from safe access to the San Juan Islands. Many places have already been closed due to development and government restriction. Please re-consider restricting kayaker access to the West coast of San Juan Island. If such exclusion must be made then please exempt human powered non-commercial craft.

Whale restriction.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Subject: Comment on Orca Regulations
From: laurie <laurie.gogic@verizon.net>
Date: Fri, 15 Jan 2010 22:08:41 -0800
To: Orca.Plan@noaa.gov

I tried to get in to comment on the Orca Regulations this evening because I thought I had until midnight tonight. I would still like to give my comment and I hope that you will count it. I believe strongly that the 200 yard restriction should be put into effect for all vessels that are in the area of the orcas. I also believe that there should be a 1/2 mile no go zone along the west side of San Juan Island for all vehicles except kayaks. It's time for everyone to put the survival of our treasured orcas first instead of only thinking of money in the pocket or fish in the boat. The whales need our protection. If I were an orca, it would torment me to have a constant barrage of boats following me all day! They deserve some privacy to feed and socialize. If we don't do something now to protect them, there will eventually be no orcas to protect. Please put the proposed regulations into effect! I please count my comment! I am passionate about this. Thank You in advance! Laurie Gogic

Internal Virus Database is out-of-date.
Checked by AVG.
Version: 7.5.560 / Virus Database: 270.12.26/2116 - Release Date: 5/15/2009 6:16 AM

Subject: Proposed regulations for boat traffic on West San Juan Island
From: Mariluz Villa <mariluzv@earthlink.net>
Date: Fri, 11 Sep 2009 15:26:15 -0700
To: Orca.Plan@noaa.gov

I live on Brown Island, a small island off the east coast of San Juan Island. My husband and I are dedicated kayakers, and paddle year round throughout the San Juan Islands and occasionally into the Canadian Gulf islands.

I am confused about why NOAA is recommending closing the near side of west San Juan island to kayakers. Doing so will effectively ban us from paddling that length of the island, since to go out as far as you are proposing would impose quite a safety risk on many days.
Closing the paddling corridor within ~1/2 mile of the shore on the West Side effectively removes the ability to safely circumnavigate San Juan island. We have done this paddle a number of times with our own boats, and found it a splendid outing, especially with the ability to camp at the County Park in Smallpox bay. Circumnavigating kayakers would be forced to monitor their position closely to avoid entry into the shipping lanes, which poses considerable risk to self-powered craft. Closure of this west side corridor to self-propelled water craft would be a considerable detriment to the San Juan Islands paddling experience.

Risk to whales posed by kayaks is quite unclear. It seems that the majority of the data regarding personal watercraft and cetaceans come from studies with dolphins (last I checked we don't have any dolphins in the San Juans), although there are some larger whale studies cited. It is unclear whether these data are clearly relevant to the current situation. Further, given the paddling speed of most kayaks (3 mph), it is clear that kayaks cannot keep up with swimming whales or meaningfully chase them. The existing regulations, including a 200 yard exclusion zone, should be sufficient to separate kayaks and orcas. I believe most kayakers are very environmentally oriented, and will respect the regulations regarding separation distances. I believe that recommendations made by NOAA should comply with best available science, as do other environmental impact recommendations.

If troublesome man-made craft are at issue, it is unclear why NOAA is not actively continuing to work to ban high intensity sonar from the San Juan islands and other orca zones. The data seem to be more compelling about sonar harm to whales as compared to the data on paddle-powered boat traffic. It would seem that this much more serious threat to cetacean health and well being should be the focus of regulation.

Thank you for reviewing my public comment. I believe that kayaks and other non-motorized watercraft should not be prohibited from a mandatory west side exclusion zone, but instead be subject to 200 yard exclusion zone from the orcas.

Respectfully,

Marie L Villa, MD

11 Brown Island

Friday Harbor WA 98250

360-378-5915

Subject: proposed westside San Juan Island regulations
From: Michael Balise <michael.balise@gmail.com>
Date: Wed, 13 Jan 2010 19:40:00 -0800
To: "Lynne.Barre@noaa.gov" <Lynne.Barre@noaa.gov>, Magda Balise <magda.balise@gmail.com>

January 13, 2010

Dear Ms. Barre

I had trouble finding who to email on this issue; could you please forward this if necessary? Thank you.

I have lived on San Juan Island for 20 years, including lots of time hiking and boating on the westside. My observations are that small/slow/quiet boats do not significantly affect the resident killer whales, and that big/fast/noisy boats do adversely affect killer whale behavior. I have seem scientific research that backs this up (for example, percentage of killer whale "incidents" involving non-motorized craft vs. percentage involving motorized craft, and increased vocalization sound levels when motor boats are present).

Based on this, I am in favor of regulations which still allow small slow craft (which for practical reasons means non-motorized vessels) to operate close to the shore on the westside of San Juan Island. Perhaps they should be required to stay as close to shore as possible. On the other hand, I believe big fast vessels (for practical purposes this means motorized craft) should be required to keep a certain distance off shore - perhaps a mile. This solution would give the whales a large zone where they would not be interfered with to any significant extent, especially if the non-motorized vessels hug the shore and go into kelp beds when possible.

To me, this gives everyone a chance to recreate etc. on the westside, and gives the whales much more breathing room (I am also in favor of the expanded 200 yard distance requirement between boats and whales). I don't believe that requiring all vessels to stay far off shore makes any sense - rowboats and kayaks cannot safely operate far from shore unless the weather is very good, and even then rapid weather changes would endanger the small non-motorized vessels if they are far from shore. On the other hand, motorized vessels are generally safe further offshore, and can rapidly avoid any developing dangerous weather.

Thank you for your consideration.

Sincerely,

Michael Balise

Subject: Closing West Side SJI
From: Darren O'Brien <darren@sanjuanislandstv.com>
Date: Tue, 04 Aug 2009 14:03:09 -0700
To: Orca.Plan@noaa.gov, Lynne.Barre@noaa.gov

To Lynne and NOAA -

While closing the west side of San Juan Island to loud, noise emitting powerboats (which may effectively interfere with the orca echolocation abilities) may make sense, prohibiting kayaks in that area makes no sense.

Kayakers are in general extremely environmentally conscious, and being essentially silent pose no threat to the orca echolocation abilities. Nor do they directly or indirectly pollute the waters in which they paddle. So why prohibit them?

And with so many "green" issues being argued against with economic data, I think that even if you remove the "kayakers bring $10 million to the local economy" argument, they should still be allowed to access and paddle the west side as an exemption to the proposed closure.

Sincerely,

- Darren

Darren O'Brien
http://www.sanjuanislandsTV.com
PO Box 3369
Friday Harbor, WA 98250
360-378-6063 (office)
360-472-1166 (cell)

Subject: comment on restriciting kayaks orca plan
From: Tom Fawell <tfawell@yahoo.com>
Date: Tue, 04 Aug 2009 15:12:15 -0700 (PDT)
To: Orca.Plan@noaa.gov

To Whom It May Concern:

I am writing to express my concern over the proposed rules to limit kayaking in the Orca "no go zone". I fully support trying to protect our orca whales. However, applying this restriction to very small non-motorized human powered craft (such as kayaks) does not seem supported by the evidence. Kayaks operated by well educated paddlers who follow the KELP guidelines as proposed by The Whale Museum and Soundwatch do not interfere with the Orcas and are not a reason for their decline.

Restricting small human powered crafts to 1/2 mile off shore is in fact quite dangerous to the operators of these crafts. There are strong currents and weather in this area and being close to shore for small human powered craft is often a requisite for safe navigation. Additionally, it is more difficult to avoid larger craft off shore. Kayaks are notoriously difficult for larger boats to see and avoid. This problem can ususally be minimized because kayaks can travel closer to shore than larger vessels and stay clear of them. This proposed regulation could lead to more collisions or near misses between kayaks and larger vessels by forcing kayaks off shore and in to same area as larger vessels. Please add an additional exemption for small non-motorized human powered craft.

Sincerely,

Tom Fawell

433 15th St
Bellingham, WA 98225

Subject: Save the Orca and the paddlers of San Juan Island
From: Bernie Swanson <bernieswanson@comcast.net>
Date: Tue, 04 Aug 2009 20:14:42 -0700
To: Orca.Plan@noaa.gov

Earlier this Spring, myself and a friend departed Friday Harbor in our kayaks for a 3-day clockwise circumnavagation of San Juan Island. While we encountered no orcas, we did paddle up the West side of the island that is proposed for closure to boating traffic under this proposed plan. Our trip would have been impossible with these restrictions. Human powered boats have no polution, make no noise and travel quite slowly compared to internal combustion driven propeller boats. I cannot imagine a kayak or canoe endangering or intimidating these mammals in any way. The closure of San Juan County Park to launching and landing eliminates the only camping spot between Griffen Bay and Posey Island. That is way too far for 99% of paddlers to go in a day.
Please proceed with protecting the Orca, but provide an exception for human powered craft must be made in the wonderful area.
Stricter enforcement of the rules, but not a total ban along the shore for kayaks... This is safe for both species of mammals (man and orca).

Bernie Swanson
5602 126th Ave SE
Bellevue, WA 98006

425-223-5185

Subject: amend the proposal to allow kayakers in the no go zone off the west side of San Juan Island
From: Leo Michael <leo@swanberg-judkins.com>
Date: Wed, 05 Aug 2009 07:44:12 -0700
To: Orca.Plan@noaa.gov

Please abandon the effort to ban Kayakers on the west side of San Juan Island. This is a no impact activity which is fundamentally whale friendly and is a great way fro people ot become educated about the ecology of the area. Please work to stop the constant destruction of citizen's rights. These waters have been navigated by small boats for thousands of years WITH NO ADVERSE EFFECTS.

Leo G Michael, CIC
Swanberg Judkins Insurance
PO Box 340, Friday Harbor, WA 98250
360.378.2949
360.378.3411 FAX

Subject: WestSide SJ Island Orca Plan
From: ibike@islandbicycles.com
Date: Wed, 05 Aug 2009 08:20:48 -0700 (PDT)
To: Orca.Plan@noaa.gov
CC: Lynne.Barre@noaa.gov

As 28 year residents of San Juan Island, an avid sport fishers, kayakers, cyclists, and owners of Island Bicycles of Friday Harbor, we want to post our objection to NOAA's plan to close San Juan County Park to the launching of kayaking trips. Sea kayaking is an extremely benign activity and has virtually no impact on orca whales. Compared with motorized whalewatching, kayaking is virtually "non-existent."

We truly feel that removing non-motorized activity from the west side of San Juan Island will have absolutely no effect on populations of orcas; only restoration of salmon stocks and a substantial cleaning up of Puget Sound will improve the situation. Stopping all commercial salmon fishing, cleaning up lost fishnets, improving the quality of spawning streams, and hugely reducing the flow of toxins flowing into the saltwater environment from many "non-specific-sources," will improve the situation. Picking on sea kayakers seems to us to be just an "easy target."

Paul and Martha Ahart
600 Neil Bay Drive
Friday Harbor, WA 92850
360-378-2442

Subject: Orca plan feedback
From: Bill Walker <paddlazz@comcast.net>
Date: Tue, 13 Oct 2009 16:39:14 -0700
To: Orca.Plan@noaa.gov

I'm a very active and enthusiastic kayaker. I love all sea life, especially the big impressive ones like whales, sea lions, and salmon. Any action that's guaranteed to be effective at saving marine life from harm or worse yet, extinction, is worth a lot of sacrifice on the part of humans, whether the sacrifice is recreational (lost access) or financial (lost revenue from tourist & tax dollars).

BUT – your proposed regulations for a no-go zone, especially as they relate to kayakers, are based on murky science. They don't provide the guarantee of actually even helping the whales to survive. Meanwhile, to paraphrase words from the preamble of one of the very scientists you have used in your citations, you now propose to take action that will cause people to make great sacrifices, all to make ourselves feel good about doing something for the whales, when in fact your action will achieve nothing, the whales will still die off due to pollution and lack of food, and our tourist economy will be trashed in the effort.

Further disclosure, as a member of the paddlesports business community who also kayaks a lot in the local area, I have close friends who are squarely planted on both sides of this issue. They are pissed off at each other, mostly because your proposal tugs at the heart of the passionate environmentalist in us but at the same time confounds any solid logic. Nice job bringing people together around an issue they all believe in.

Thanks for reading,

Bill Walker

Subject: Proposed no-go zone for San Juan Island for orca protection
From: ingwilboat@aol.com
Date: Wed, 14 Oct 2009 11:45:22 -0400
To: Orca.Plan@noaa.gov

NOAA Planners:

The reports submitted in support of the no-go zone along San Juan Island show only a very few instances over the past several years of observation where kayaks have been in the path of whales. Rather than focus on how few kayak users would be stopped by the proposed regulations, the view should be that kayakers have not been a significant problem for orcas, and kayakers should not be excluded entirely from the waters along coastline. Quiet human-powered boats should be allowed to transit the west coast of San Juan Island, certainly observing the courtesies for avoiding orcas when they are present. Shutting down launch access at San Juan County Park would impact thousands of kayak users who have had no adverse effect on our orca population. Orcas do not approach very near shore and at least this area should remain open to kayak transit. A blanket ban on all boats (exempting commercial fishing boats which are hugely more disruptive than kayaks) unnecessarily spoils a valuable natural resource for everyone.

Ingrid Hansen
14639 - 25th AVE SW
Burien, WA 98166

Subject: Recovery Plan for Southern Resident Killer Whales
From: Howie/Merridy <howmerd@nwi.net>
Date: Mon, 04 Jan 2010 17:12:33 -0800
To: Lynne.Barre@noaa.gov

Dear Ms. Barre

I know it is not a ballot activity, but I would like to get in the old 2 cents worth on the Fisheries Service's plans to recover the stock of Southern Resident Killer Whales.

I have never seen Killer Whales from a kayak, but I have seen them from the southwest shore of Lopez Island and they were surrounded by whale watching boats w/ tourists. The exhaust smoke was visible and there were a high concentration of boats. I would imagine the whales are pestered every day by these boats. The scene certainly looked chaotic as the boats followed the whales. Maybe the legal distance for power boats from mammals can be increased, rather than ban boat traffic.

I have seen videos and photos of kayakers watching the whales and they were always a long distance from the whales (it seemed to be at least 50 yards, but w/ telephoto lenses it is hard to say). All of the kayakers I've met look upon a whale encounter as the holy grail of nature and kayaking. I really cannot see how a whale's encounter with humans in nonmotorized vessels would impact their survival unless there were hundreds of these boats around them on a daily or very frequent basis and that is just not the case.

Some of my friends have had orcas come very close to them and even "play" with them by keeping them from approaching shore (not in Washington, though).

A kayak's and a canoe's footprint is minimal and having kayaked on the west side of San Juan and Henry Islands, I would hate to lose this area to further exploration by kayak and would hope someday to see a killer whale from a legal distance. I do no believe I would be having any adverse impact on the survival of these mammals.

Anyway, I hope the Fisheries Service will continue to let kayakers and canoers travel in all waters of Puget Sound as long as they stay the legal distance from wild mammals.

Thank you for listening.

Howard Wallace
1700 Castlerock
Wenatchee, Washington
509 414 6853

Subject: In Support of The Whale Museum counter proposal for Orca management
From: John Privat <jpprivat@comcast.net>
Date: Sat, 02 Jan 2010 10:12:06 -0800
To: Orca.Plan@noaa.gov
CC: Val & Leslie Veirs <vveirs@coloradocollege.edu>

Dear Sir,

As a property owner on Smuggler's Cove Road on San Juan Island, I am writing in support of the reasonable modifications to NOAA's proposed regulations for protecting Orcas on the west side of the island.

There are two regulations proposed by you that seem misguided and I support the counter proposals made by The Whale Museum, a long time qualified expert on the subject.

Specifically make the following changes:

1. Make an exception to the "No Go Zone" for kayaks
    a. Kayaks do not create noise that impact Orcas' sonar
    b. Kayaks only created 4% of the 2572 incidents impacting Orcas in 2008. Focus your attention on the other 96%
    c. The kayak industry is a viable job -creating industry that allows tourists to view Orcas in an environmentally positive way.
2. Commercial seine boats and gill netters reduce the salmon population in significant numbers in the "No go zone" Since lack of salmon is one of the 3 major threats to Orcas, allowing commercial fishing in the heart of their fishing grounds is totally illogical. I have seen as many as 10 seine and gill netter boats in the "No Go Zone" at once.

I am not a kayaker or have any connection to the industry, but believe logic should dictate policies.

John Privat

Subject: Proposal to Close West Side of San Juan Island to Kayaks
From: capttnt <CaptTNT@oregoncoast.com>
Date: Sun, 02 Aug 2009 18:27:30 -0700
To: Orca.Plan@noaa.gov
CC: Lynne.Barre@noaa.gov

Please amend the proposal to allow kayakers in the no go zone on the west side of San Juan Island. Below are reasons the proposal needs amending:

a.. Kayakers stay along the coastline for safety reasons.
b.. Commercial kayak companies can only use San Juan County Park (west side with much wildlife) and Jacksons Beach (east side with minimal wildlife) because it is illegal on every other beach on the island.
c.. Kayak companies create revenue for San Juan County Park and all of the other parks in the San Juan Islands (already under funded because of budget cutbacks).
d.. Kayaking is non toxic, quiet and a environmentally responsible way to see and teach about wildlife and the Puget Sound.
e.. People have been kayaking and canoeing here for thousands of years.
f.. Kayaking private and commercial is able to generate $10,000,000 per year into our local economy which is already struggling from accommodations, restaurants, local shops, merchants, banks, accountants, the schools, charities, taxes, etc. There will be a trickle down effect if we lose our kayaking revenue that will be felt for years to come.
g.. Kayakers are willing to have guidelines that everyone will follow but it is unreasonable to close off the west side.
h.. It is not reasonable to tell kayakers to just go someplace else. The orcas are what bring people to San Juan Island to kayak. Without the opportunity to see them, one of our top industries will die and a highly successful environmental educational forum will go away.
i.. Closing the west side to all kayaking won't save the whales.
j.. Kayakers don't startle whales. Whales use echo location to navigate. They know we are there from far away.
k.. The proposal needs to be amended to allow kayakers in the no go zone of the west side.
On the kayaking trips I've been on, it is plainly evident how much the kayak guides love and care for the whales when telling about the whales, their history, and their future. Not disturbing the whales is part of their basic rules on any kayak trip.

I do not believe kayakers have an adverse impact on the whales. Further, I do not believe kayakers could or would contribute to the harming of the whales.

In fact, quite the opposite is true. Kayakers are the whales' biggest advocates - educating and raising public awareness with each and every kayak trip! We need the public educated and the awareness level increased, not decreased!

So, please allow kayakers in the no go zone of the west side of San Juan Island.

Thanks for your consideration.

Betty Thomas

capttnt@oregoncoast.com

Subject: no go zone
From: Linda Shuger <lbsugarbaby@yahoo.com>
Date: Sun, 20 Sep 2009 14:52:39 -0700 (PDT)
To: Orca.Plan@noaa.gov, Orca.Plan@noaa.gov

I recently took a kayak day trip along the proposed no go zone. It was one of the best things I have ever done and so peaceful. I agree that the motor traffic should be stopped but I don't understand what the significance of stopping kayaking along this area. These boats do no harm to the marine life and as long as the kayak companies are only "Be Whale Wise" companies that are allowed to boat along these waters then I think they should continue to be allowed access to these waters. I am planning on going back next summer because this kayak trip was so enjoyable and did no harm to anything. I am very active in all aspects of animal welfare so I would never do this if a life of any kind was at stake. I think what is more detrimental to the whales is the pollution in the Puget Sound and Navy sonar testing. This is killing the whales not kayaks. I feel this should be addressed before you start taking away harmless kayaking trips. Thank you for your time.
Linda Shuger
Everett, WA

Subject: re: proposed regs
From: "Schaeffer, Barry M" <Barry.Schaeffer@fluke.com>
Date: Wed, 23 Sep 2009 07:43:21 -0700
To: Orca.Plan@noaa.gov

NOAA,

I am as concerned as anyone about adverse impacts on orcas. I live in Anacortes, and am a passionate advocate for them.

I am concerned that you may be harming the long term survival of orcas and other endangered species by your proposed regulations that would severely limit Kayak access in the affected areas (especially the west side of San Juan Island). I am speaking specifically of proposed regs that would force kayaks a minimum of half a mile off shore.

It is hard to imagine a more benign impact on these areas than kayak traffic. If you're serious about protecting this area, then you should push motorized craft (fishing boats, whale watching boats) away from the sensitive coastlines.

The long-term survival of these areas depends on the political will of those who defend them. This in turn depends on permitting benign forms of access (e.g. kayaking) to those who care about these areas and for those who need to encounter them in their wild state (i.e. teenagers and adolescents).

Barry Schaeffer
Anacortes, WA

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Subject: NOAA Orca Whale Reg's comments
From: "Bussinger, Larry" <lbussing@anvilcorp.com>
Date: Wed, 23 Sep 2009 09:58:29 -0700
To: Orca.Plan@noaa.gov

As input to the discussion on a no-go zone on the west side of San Juan Island, I believe that human powered boats (row boats, kayaks, canoes, surfskis) should be excluded from this restriction. None have a noise pollution impact or significant contact impact and the volume of boats is minimal. Also as a safety issue, these boats need to stay relatively close to shore. If the wind picks up, they may need to go ashore for survival, and with bureaucracy the way is it, this would/could subject them to fines. Let's not use a rule designed to limit noise pollution and whale interaction to limit the actions of a group that has no significant impact on the problem.

Larry Bussinger P.E.
Project Manager
Anvil Corporation
Bellingham, WA
lbussing@anvilcorp.com
360-937-0405

Subject: San Juan Exclusion Zone / Kayaks
From: Donald Pinter <donaldp@wibank.com>
Date: Mon, 28 Sep 2009 18:20:19 -0700
To: Orca.Plan@noaa.gov

I attended the September 24 meeting in Anacortes, Washington. I have been in the PNW for over 40 years and have lived on the water on the west side of Whidbey Island for the past 12 years. I am a member of Puget Sound Anglers, a member of the Hole in the Wall Kayak Club, the Skipper of the Anacortes Sea Scouts, and owner of kayaks, a 27' sail boat and a Boston Whaler fishing boat. This year I've skippered a 40' Selene through the Gulf Islands and taken the scouts sailing in the San Juans. On those and other occasions we've come across Orcas as they transited from one location to another. On most occasions they paid little attention to us putting on no shows other than coming to the surface to breathe.

I came away from the meeting with the perception that there were three main concerns brought up by the east coast researchers who were hired to do the study. I assume they were hired due to their total lack of any knowledge that could possibly taint their research. The three were 1) Prey or lack of food, specifically Chinook salmon; 2) pollution, but sound and chemical from the engines of the boats be they whale watcher, fishing or other; and 3) the possibility of collision, although there has been little to no evidence that of the hundreds of boats out there, there has been such an incident (Luna excluded as well as any Orca bumping a floating craft). As a kayaker who lived in Mitchell Bay for a year and who has kayaked that area, I was, and am still, a little confused as to why a craft that is not fishing, has little to no noise or chemical pollution, and would do little to any damage to an Orca, even if they some how initiated the collision, would be excluded in the exclusion zone whereas tribal fishers are not. The response I got from Ms. Barre was that those east coast researchers noted different Orca behavior in the presence of kayakers as other boats. This supported the researchers preconclusion that such behavior was due to additional stress on the pod and thus detrimental to their wellbeing. Having gone on several whale watching excursions as well as personal private observations, I could as easily concluded that such activity was social in character and beneficial to their mental wellbeing. NOAA's exhibit includes a photo of three Orcas approaching a kayaker. To assume they could not avoid the kayak or that the kayak is an intrusion into their space is far reaching. I would content these highly intelligent animals are as interested in us as we are in them, that no one more concerned about their survival as the whale watching public, the fishermen that support the hatcheries that supplement their salmon and the annual migration of tourists that come here during the summer months to cruise these waters with the hope of seeing these magnificent animals.

Enclosed is a picture of Luna at Critters Cove in Nootka Sound, B.C. The biggest threat to Luna was his attachment to humans and the refusal of the tribe to allow him to go back to his pod. Unfortunately the worse, as was expected, happened. But much was gained by his presence and the close inter-reactions of man and Orca.

In conclusion, hire a local research team either from the U of W or California who have a better understanding of these animals and their interaction with man. In the mean time allow the public reasonable viewing of them as the public can be made more aware of their plight and their main threat of over fishing and human pollution.

Don R. Pinter
1886 Sea Shell Court
Coupeville, WA. 98239
(360) 298-0101
pinter@whidbey.net

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Subject: support no-go zone on SJI
From: Kenneth Sebens <rabbit5432@hotmail.com>
Date: Tue, 29 Sep 2009 11:18:49 -0700
To: Orca.Plan@noaa.gov

I support the concept of a No-go zone for boats on the west side of San Juan Island, with a modification to allow a limited number of kayaks and whale-watching boats by permit.

The southern resident orca population was listed as endangered in 2005, affording it special protection in U. S. waters. This is the only resident orca population in the U.S., and thus represents the sole opportunity for local regulation to have an impact on this important species. Although they can range widely, this population spends much of the summer in a fairly well delimited corridor running from the southern ends of Lopez and San Juan Islands, through Haro Strait, and into the area north of Sucia Island.

Because they forage predictably within this defined region, protection is most likely to be effective in that same area. Reduced salmon prey, increased toxic chemicals in tissues, and effects of boat traffic have all been identified as potential sources of orca stress and mortality, leading to population decline. While we have little control over the number of Chinook salmon they encounter, or on the level of toxic chemicals in their prey, we can immediately relieve the effects of boat proximity on these orcas.

Establishing a minimum distance for boats to observe orcas provides a traveling sanctuary zone, as long as boaters are informed and enforcement is regular and effective. Establishing the west side of San Juan Island as a no-boat zone during the months of maximum orca presence (NOAA proposal) is another way to provide them some relief, and is probably easier to enforce. Because this is the prime summer habitat for the only resident orca population in U.S. waters, it is a truly unique and important piece of geography; arguably, it is one of the very most important conservation regions, and opportunities, in the nation.

Will decreasing boat encounters with orcas have any positive effect on the population, and is there any scientific basis for such claims? First, there is excellent science supporting the geographic and foraging behavior of the southern resident orcas, including many years of mapping their movements. These data show clearly that the west side of San Juan Island is the most regularly visited stretch of coastline for the southern resident orcas, although the entire area from south Lopez to north of Sucia is heavily traveled.

Second, there is clear evidence that the southern resident orcas have had several periods of declining population over the past four decades, resulting in virtually no net increase in their population since the 1960s; by comparison, the northern resident pods have increased substantially, almost doubling in that time period. orca populations had already been depleted by the time population monitoring began, and thus both northern and southern residents were potentially recovering following the cessation of hunting and collecting for aquaria in the 1970s.

Third, it is becoming clear that boat traffic has a negative effect on orcas, through sound disturbance, impact on foraging, and collisions. Recent studies show that orcas modify their behavior, and their vocalizations, when power boats are present and increasing the general sound level in their habitat. Though not common, there have been instances of orca deaths from ship encounters in this region.

By the precautionary principle, we should be doing all we can to protect this endangered population of orcas, especially in the place we know they use heavily every year; the first stage of this protection should be reduced boat traffic in their vicinity, because this is something we can implement rapidly and locally. The minimum distance rules give them protection anywhere they travel, and are thus necessary.

Just this past Sunday, I was showing a visitor the island and we noticed the whale watching boats south of Lime Kiln Pt. As we watched the whales from shore, two power boats came through at full speed right between the kelp zone and the whale watching boats – exactly where the orcas were surfacing. Keeping most boats out of the one place the orcas have chosen to visit most often provides another layer of protection, and will help prevent incidents such as this involving clearly uninformed and unobservant boaters.

This proposed no-go zone could, however, include limited-entry permits for whale watching boats and kayaks, with the added stipulation that the operator of any such boat entering the area have the appropriate training on minimizing impact to orcas. I know of no science showing negative impacts of kayaks on orcas, and I think the whale watching boats perform an important educational service, and are generally able to maintain the correct distance. However, I see no reason to allow fishing and pleasure boats in this area during those months.

Dr. Kenneth P. Sebens (Biologist)
620 University Rd
Friday Harbor, WA 98250

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