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August 20, 2007

Via Facsimile and E-mail

SARA Secretariat
Department of Fisheries and Oceans
200 Kent Street
Ottawa, ON K1A 0E6

Dear Sirs/Mesdames:

**Re: Recovery strategy for Northern and Southern Resident Killer Whales
(*Orcinus orca*)**

Please accept the following joint submissions of Georgia Strait Alliance, Sierra Legal Defence Fund, the Wilderness Committee and David Suzuki Foundation in response to the recently released Proposed Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) (“Proposed Recovery Strategy”). Please ensure that our submissions are provided to the Honourable Minister Loyola Hearn or his delegates responsible for finalizing this Proposed Recovery Strategy.

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Our organizations welcome the opportunity to comment on this Proposed Recovery Strategy.

We would like to strongly commend the clear identification of critical habitat within the Proposed Recovery Strategy. Geospatial identification and protection of critical habitat is essential to the survival and recovery of the Northern and Southern Resident Killer Whales. Identification of critical habitat, wherever possible, is also a fundamental pre-condition to creating an effective action plan.

We would also like to acknowledge the importance of clearly defining the threats to critical habitat, as has been done by the Recovery Team in this strategy. A clear identification of threats to the Resident Killer Whales is a pre-condition to an action plan that can mitigate these threats through concrete, practical solutions.

Based on what is indicated in the critical habitat maps in the Proposed Recovery Strategy, we are pleased that the Resident Killer Whales’ proposed critical habitat includes areas widely acknowledged as important to the species, including near shore areas. We are also pleased that, contrary to the American approach, there are no military exclusion zones for naval activities. Finally, we acknowledge that the critical

habitat most recently identified by Dr. John Ford, in his 2006 paper assessing critical habitats of the Northern and Southern Resident populations, has been included.¹

Geographical Co-ordinates

We do have some concerns, however, with the Proposed Recovery Strategy. In particular, we are concerned by the lack of legal geographical coordinates delineating the mapped critical habitat (as acknowledged by Appendix B)². The absence of coordinates makes it difficult for the public to provide detailed, useful comments on the precise critical habitat identified in the Proposed Recovery Strategy, because we do not know the exact boundaries of the proposed critical habitat.

Furthermore, we have reviewed Dr. Ford's 2006 paper. We understand Dr. Ford's paper to be, in part, the basis for the identification of the critical habitats of the Northern and Southern Resident Killer Whale populations in this Proposed Recovery Strategy. We believe the coordinates must already exist, because Dr. Ford created his critical habitat maps using GIS software (pg. 3-4). We see no reason why Dr. Ford's GIS coordinates could not be included in the Recovery Strategy. Given the availability of this information, we urge that the finalized Recovery Strategy to be released by the Minister should include coordinates in Appendix B.

As the identification of critical habitat triggers various legal prohibitions, including a prohibition on its destruction, this lack of coordinates could be vague, and unfair to individuals trying in good faith to comply with the law.

The Minister would have received more informed, meaningful input, and the public would have received a more fair and effective consultation process, had these coordinates been included. We urge the Minister to ensure the inclusion of legal coordinates in future Proposed Recovery Strategies posted to the SARA Registry for public comment.

Relationship between critical habitat and prey

What is particularly notable regarding the critical habitats identified for the Northern and Southern Resident populations is the Proposed Recovery Strategy's acknowledgement that the reason, in part, why these habitats are critical is because their prey is found there:

"There is little evidence to suggest that killer whales require or are limited by specific physical features of their environment, other than features that make

¹ Ford, J.K.B. 2006. An Assessment of Critical Habitats of Resident Killer Whales in Waters off the Pacific Coast of Canada. DFO Can. Sci. Adv. Sec. Res. Doc. 2006/072.

² Appendix B states: "Legal coordinates will be presented when this recovery strategy is posted to the SARA registry as Final. Please see Figures 5 and 6 for approximate areas." (at pg. 76)

prey available to them... The presence of resident killer whales is closely associated with the presence of salmon”

Essentially, the Resident Killer Whale populations’ critical habitats are deemed important because they funnel salmon to the whales.

Therefore, we believe the Proposed Recovery Strategy, or at least the subsequent Action Plan, should address greater protection of the salmon on which Resident Killer Whales prey, including the key rivers and streams in which these salmon spawn. Currently, the Proposed Recovery Strategy acknowledges that “changes in the relative strength of major salmon stocks may cause corresponding shifts in the geographic location of critical habitat for resident killer whales”(p.35). The impacts of the health of salmon stocks are in fact crucial to the ability of the Northern and Southern Residents to survive. This underscores the need to protect their prey and the habitats of their prey. The protection of the salmon and their habitat is essential to meeting Objective 1 of the Proposed Recovery Strategy (adequate and accessible food supply to allow recovery).

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In order to adequately protect salmon prey, is it imperative that a new study be added to the schedule of future studies to be undertaken in the Action Plan. Namely, we urge the Recovery Team to address the delineation of critical "food-rearing" habitat on which the Northern and Southern resident killer whales rely; that is, critical salmon-bearing streams and in particular Chinook bearing streams. As noted in the Proposed Recovery Strategy: "... trends in mortality rates of southern and northern resident killer whales were correlated with each other, and that both were strongly related to fluctuations in the abundance of Chinook salmon”(p.23). Long-term recovery and survival of the resident killer whale populations requires identification and heightened protection of those critical streams.

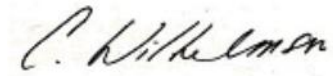
Action Planning

When the Final Recovery Strategy is released, the important action planning process will begin. Our organizations strongly support dedication of significant financial and human resources to the Action Plan for the Resident Killer Whales.

With threats to critical habitat clearly identified in the Proposed Recovery Strategy, we request the Honourable Minister Hearn to instruct the Recovery Team to ensure that the Action Plan include clear, concrete measures to mitigate all identified threats. At this time, we request the Minister to further instruct the Recovery Team to identify key Chinook salmon streams that are critical to the resident killer whales’ survival. An Action Plan with clear solutions will provide the necessary guidance to helping restore the northern and southern resident killer whales populations.

We appreciate the opportunity to comment on this Recovery Strategy.

Sincerely,

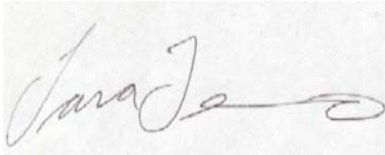


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