



David
Suzuki
Foundation

SOLUTIONS ARE IN OUR NATURE



Georgia Strait Alliance
Caring for Our Coastal Waters

GREENPEACE



Healthy Oceans. Healthy Communities.



Via Electronic Mail and Facsimile

March 21, 2012

The Honourable Peter MacKay
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
Ottawa, Ontario K1A 0K2
dnd_mdn@forces.gc.ca
FAX: 613-995-8189

Dear Minister:

On behalf of the conservation organizations, which work to protect and restore marine wildlife throughout the Salish Sea and in the Pacific Ocean, we are writing to urge the Canadian Navy to exclude sonar training exercises from the critical habitat of southern resident killer whales. In this, we echo the attached Statement of Concern from 20 biologists and bioacousticians, who collectively represent many decades of expertise on the southern resident population.

On February 6, 2012, the Canadian Naval frigate HMSC *Ottawa* conducted training exercises that included use of mid-frequency active (MFA) sonar in waters south of Victoria, British Columbia. The area impacted by this exercise includes designated critical habitat for southern resident killer whales, which are listed as endangered under both the Species at Risk Act (“SARA”) and the U.S. Endangered Species Act. Only approximately 87 of these iconic whales remain in the wild, and both countries mandate the protection of their critical habitat.

Within 18 hours of sonar use, southern resident calls were heard in the area; within 36 hours, an unusually mixed group of members of two southern resident pods were sighted deep within the sheltered waters of Discovery Bay, west of Port Townsend, Washington. There are no prior records of southern residents sighted in Discovery Bay in 22 years of observation. The

unprecedented appearance of these whales in these waters, combined with their recorded vocalizations not long after the *Ottawa*'s training concluded, suggests that southern residents were present in the area – and may have been significantly affected by the exercise – but went completely undetected by the ship.

This incident underscores the need for stronger protection of these whales, especially within their critical habitat. The Navy's sonar mitigation is predicated on its ability to maintain a 4000-yard safety zone around their active vessels. Yet southern residents are known to fall completely silent when resting – sometimes for periods of 6 hours or more – and can be difficult to sight even during the day beyond a few kilometers. In addition, the Navy's current measures fail to account for the wide-ranging impacts of MFA sonar. As the attached statement observes, “[W]e know from the 2003 *Shoup* incident and the scientific literature that MFA sonar can disrupt marine mammal behavior well beyond the current mitigation distances, particularly in the sound propagation conditions of the Salish Sea.”¹

In light of these conclusions, we urge the Navy to take the following steps to protect the endangered southern residents:

First, we ask that the Navy disclose all information surrounding all of the activities conducted by the *Ottawa* and other vessels participating in exercises conducted from February 1 to 17 in Haro Strait, the Strait of Juan de Fuca, and on the outer coast, including information about the use of sonar, explosives, or other active acoustic systems. This information is vital to understanding both the geographic scope and potential impacts of these activities.

Second, we urge the Navy to immediately establish the inland waters of the Salish Sea, and other critical habitat for the southern resident killer whale, as an exclusion zone where training with MFA sonar, other high-intensity active acoustics, and explosives is prohibited. This is consistent with DFO's 2008 recovery strategy for northern and southern resident killer whales, which includes acoustic disturbance and degradation from MFA sonar training among the signal threats that the government must address – through review of the Navy's mitigation protocol, management of critical habitat, and other measures.² Indeed, the recovery strategy

¹ The DFO's recovery strategy for resident killer whales provides the following summary of the *Shoup* incident, in relevant part: “Mid-frequency sonar exercises conducted by the USS *Shoup* on May 5, 2003 in Haro Strait were reported to correspond with changes in behaviour in members of [the southern resident] J pod that were foraging 47 km away at the time, and resulted in behaviour more extreme than observed in response to any other disturbance. The pod was observed trying to leave the area while the ship was 22 km away and ultimately pod members separated and left the area in different directions when the USS *Shoup* passed by at a distance of 3 km [citations omitted]. Up to 100 Dall's porpoises and a minke whale were also seen leaving the area at high speed.” DFO, Recovery Strategy for Northern and Southern Resident Killer Whales at 30-31 (2008).

² *Id.* at 27-33, 41, 45, 51. The recovery strategy states, as one of four objectives, that “disturbance from human activities does not prevent the recovery of resident killer whales.”

includes the “establishment of acoustic sanctuaries in critical habitat areas” among the performance measures to be used in assessing the strategy’s effectiveness.³

Third, and finally, we urge the Navy to work together with the United States Navy to strengthen their mutual stewardship of the region’s marine wildlife. The U.S. Navy has already affirmed that it will not conduct sonar training within the Greater Puget Sound area without advance approval from the Commander of the Pacific Fleet and the National Marine Fisheries Service,⁴ and environmental NGOs in the United States are separately asking the U.S. Navy to clarify and improve this protection. Whales and other wildlife do not recognize national borders. By working collaboratively, our navies can ensure that their vessels adhere to strong, precautionary standards in these interconnected waters.

We firmly believe that readiness training can be accomplished in a manner that both protects vulnerable wildlife and allows the Navy to fulfill its important mission.

Please do not hesitate to contact any of the undersigned to discuss this matter further.

Sincerely,



Jay Ritchlin, Director, Western Region
Davie Suzuki Foundation



Misty MacDuffee, Wild Salmon Program Director
& Biologist
Raincoast Conservation Foundation



Christianne Wilhelmson, Executive Director
Georgia Strait Alliance



Colin R. Campbell, Marine Campaign Coordinator
Sierra Club B.C.



Sarah King, Oceans Campaign Coordinator
Greenpeace Canada



Gwen Barlee, Policy Director
Western Canada Wilderness Committee

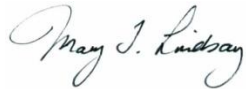
³ *Id.* at 54.

⁴ 75 Federal Register 69296, 69308 (Nov. 10, 2010) (notice of National Marine Fisheries Service regulation governing impacts on marine mammals within the U.S. Navy’s Northwest Training Range complex).

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Mary Lindsay, Interim Executive Director
Living Oceans Society



Linda Nowlan, Director, Pacific Conservation
World Wildlife Fund Canada

Cc:

Navy Public Affairs

Maritime Forces Pacific Headquarters, marpac@shaw.ca

Base Public Affairs

CFB Esquimalt, cfbesquimalt@shaw.ca

Commanding Officer

Naden Band of Maritime Forces Pacific, nadenband@shaw.ca

The Honourable Peter Kent

Minister of the Environment, Minister@ec.gc.ca

Honourable Terry Lake

Ministry of Environment BC, env.minister@gov.bc.ca

Elizabeth May

Member of Parliament, Elizabeth.May@parl.gc.ca

David Christopherson, hamilton@davidchristopherson.ca

The Honourable Keith Ashfield

Minister of Fisheries and Oceans, Min@dfo-mpo.gc.ca