



Fisheries  
and Oceans

Pêches  
et Océans

Regional Director General  
Pacific Region  
Suite 200 - 401 Burrard Street  
Vancouver, B.C.  
V6C 3S4

Directeur général régional  
Région du Pacifique  
Pièce 200 - 401 rue Burrard  
Vancouver (C.-B.)  
V6C 3S4

Your file    *Voire référence*

Our file    *Notre référence*

**MAR 22 2004**

D. Robert Lohn  
Regional Administrator  
National Marine Fisheries Service, Northwest Region  
7600 Sand Point Way N.E. Bldg. 1  
Seattle, WA 98115

Dear Mr. Lohn:

On September 30, 2003, the Honourable Robert G. Thibault, Minister of Fisheries and Oceans, announced that our Department would contribute \$135,000 (Cdn) for the L98 relocation project, matching the \$100,000 (US) announced by your government. As you are aware, our respective staff have been collaborating to develop a plan for DFO and NMFS to jointly undertake the relocation. I am writing to confirm the attached plan, which outlines the approaches for relocation and the roles and responsibilities of our respective agencies, meets with your approval.

I also wish to confirm that the following activities are currently underway regarding measures for the protection of the public and alternative approaches to relocation.

1. Winter Monitoring: Throughout the winter, a monitoring program, lead by DFO Gold River enforcement staff, in collaboration with the local First Nation and citizens, is being conducted.
2. Acoustic Deterrence Devices: Our respective staff plan to test the use of acoustic deterrence devices that may prove useful in protecting the public in Nootka Sound and post release in the San Juan/ Juan de Fuca areas.
3. Winter Location of L Pod: Your agency is investigating the possibility of locating L pod in areas closer to Nootka Sound; prior to the time when a physical relocation would occur with the thought it may be possible to conduct an early "soft" or "lead-out" type of reintroduction.

Regardless of whether it is possible to locate L Pod prior to their usual return in June, DFO is supportive of these efforts that may lead to a greater understanding of the winter distribution of southern resident killer whales. DFO consideration of this option would be contingent upon it being demonstrated that locating L Pod in proximity to Nootka Sound, with some reliability, is feasible and mitigation of the potential negative consequences of engaging L98 in this way is possible.

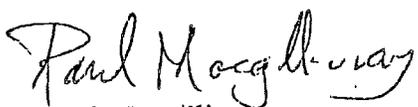
**Canada**

Assuming that a soft intervention is likely not feasible, it is necessary to commence with the attached relocation approach of physically moving L98 to a location in the a suitable site where there is the increased potential for a reintroduction to his pod and minimizes the opportunity to interact with people and vessels. Specifically, the attached document has been developed to (1) provide an understanding between NMFS and DFO on the rationale for undertaking this intervention (2) outline the methods for the relocation and post release monitoring that both DFO and NMFS endorse, (3) define the respective roles of each agency in undertaking this action plan, and (4) clarify that decisions related to the need to re-intervene will be at the discretion of the agency that has jurisdictional authority for the area in which L98 is located.

Given that L Pod usually returns to the summer grounds during the first weeks in June, we believe that it is necessary to have the attached plan operational by May 15, 2004. As the cost of intervention will exceed available government resources, non-government funding and/or in-kind contributions will be necessary to see the completion of this plan. Therefore, the two criteria that would need to be met, prior to initiating the plan are that all funding and in-kind recourses (government and non-government) are committed and/or in place to undertake the entire operation and that L Pod has returned to the summer grounds.

To give agency staff and contractors sufficient time to make this plan operational and fundraising groups the time necessary to secure the non-government contributions, I suggest that our agencies finalize this understanding as soon as possible. If you have questions or other issues that you believe need to be addressed, please feel free to contact me at 604-666-6098.

Sincerely yours,



Paul Macgillivray  
A/Regional Director General  
Pacific Region

cc: D. Radford  
S. Wright  
J. Ford  
M. Joyce