

30 September 2009

TO: NOAA

FROM: Rein Attemann

RE: Regulations on Vessel Effects

Hello NOAA/*NMFS*

Thank you for this opportunity to provide verbal and written testimony on your proposed vessel regulations to help protect our endangered and iconic Puget Sound orca population.

I have been a regular visitor to San Juan Island for many years and have had the extreme pleasure of viewing these magnificent creatures. Two particular instances include;

- an inverted tailflop display by one orca off Lime Kilm State Park; and
- the movement of a dozen orcas off Andrews Bay in the late evening hours, free of any vessel presence

More recently I spent this past weekend (Sept 26-27, 2009) on San Juan Island.

From the west side of the island where we stayed, I witnessed the immense popularity of recreational salmon fishing along Haro Straits. Dozens of recreational fishing vessels were vying to catch salmon along a narrow strip of water. A few commercial whale watching outfitters were also present, and when you see those vessels you can be assured there are orcas nearby.

Sure enough, a moment later, I spotted several orcas making their *usual* (**emphasis added**) way north, most likely following their scant number of prey. To my naked eye, and untrained eye for that matter, they appeared dangerously close—less than the 100 yard regulation that is now in place.

With the large presence of fishing boats and whale watching boats, how could anyone expect the orcas to have a safe passage through this mine field of vessels. ~~I~~ was disgusted.

But wait there is more! What horrified me the most, I then saw a commercial fishing vessel speeding directly against the course the orcas and in their path. Did they bother to go outside the path of orcas, salmon, and fisherman as the other commercial fishing vessel was concurrently doing? Apparently not!

The next day the vessel onslaught continued with recreational fishing boats, commercial fishing boats, kayakers, and in addition, a cargo vessel. The APL Germany, chugging along close to the shoreline, way too close and out of the shipping lane! The vessel's course was again in the same pathway of the orcas following the salmon!

Due to these two recent instances, I do not agree with ^{several of} the proposed exemptions for commercial fishing boats, government vessels, cargo ships, research vessels and vessels owned by shoreline property owners, as all vessels have a negative impact on orca behavior, especially on their feeding habits. I have included with my testimony research literature pertaining to vessel impacts to orcas.

Although vessel operational changes are part of the solution, NOAA continues to delay on more critical actions that are needed to protect and recovery Puget Sound's resident endangered orca whales, such as: restoration of salmon runs through removal of dams; restoration of habitat, land use restrictions, water quality improvements and changes in harvest and hatchery practices; reduction of toxic pollution that impacts the food web; and reduction of noise impacts from sonar and other activities.

Until these fundamental problems are addressed by NOAA/NMFS, the orca population will cease to exist in the decades ahead.

With regard to the vessel proposal, I support the distance (200 yards) and no intentional parking in the path of traveling whale and the concept of a "no-go zone" on the west side of San Juan Island akin to the Robson Bight protected area in British Columbia.

Enforcement is a key pragmatic issue that should be addressed regarding both existing and proposed regulations. Without a much-improved strategy for education and enforcement, it makes no sense to increase restrictions as it would be guaranteed to fail. One of the major vessel issues is inappropriate and harassing behavior by recreational boaters who are apparently unaware of the existing limits.

- Any adopted regulations must be science-based. †

I can only hope that your proposal is heavily supported by follow through and enforcement.

Sincerely,
Rein Attemann
316 NW 86th St
Seattle, WA 98117

PUBLIC SUBMISSION

As of: February 01, 2010
Received: August 26, 2009
Status: Pending_Post
Tracking No. 80a140c1
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-0011

Comment from GENE DANIELS

Submitter Information

Name: GENE LOOMIS DANIELS

Address:

17501 B SAFE-T-STORAGE
PINE RIDGE ROAD
FORT MYERS BEACH, FL, 33931

Email: datakoll@yahoo.com

Phone: 3218902595

Organization: datakoll marine research

General Comment

ORCA COMMENT

A first visit to Lime Kiln State Park, first viewing of Orca from the bluff above surprised with boat traffic allowed to block the Orca pod's passage.

Local custom allows pursuit, harassment, and blockade?: barbaric.

I don't know Orca. My experiences are with bottle nose dolphin on Florida's Gulf Coast. I ran many miles on the beaches recovering from a lung infection, often running with dolphin swimming in company. The dolphin would stand on tail, taunting me for my slowness, then swim away at 20 mph. We played hide and seek as we ran and swam down the beach.

I was working with the Boat Tail Grackle, a bird with complex social structure and telepathic ability. I'm a telepath and psychic with portfolio.

The Tampa Bay beach dolphin pod found me at Picnic Island inside the bay, swimming up into the shallows to spout and say hello, then always stopping by to jump and spout if I were visible on shore.

Saying hello thru jumping and spouting became common for all Florida dolphin.

As dolphin swim past Picnic Island, the pod transmits an image of the passage ahead through

Gandy Boulevard's embankment and bridge: 4.5 miles total water ahead is 1 mile navigable. What I "see" from the dolphin's transmissions, is a truncated pyramid against a background. The background forms the water before Gandy, the pyramid located at the bridge opening on the background's right side.

I assume the transmission is a product of the dolphin's sonic sensory apparatus or from memory.

A dolphin, an Orca sensory system would have similar functions.

Pinning Orca against San Juan Island, blocking the path with internal combustion engine noise, propeller noise, passenger noise, hull noise, hunting and navigation sensory sound reflected from the boat barrier, are brutal assaults on the Orca's sensory abilities used to navigate, hunt and eat.

Jail for dog and cock fights ? The whale watching "industry," a euphemism for torturing wild animals, if not eliminated then should be regulated to stand off a considerable distance at all times using a "silent" motor and propulsion system.

Thank you for soliciting my opinion.

Gene Daniels

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 14, 2010
Status: Pending_Post
Tracking No. 80a7c6fb
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-0047

Comment from Ash Kemp

Submitter Information

Name: Ash Kemp

Address:

1/64 Reservoir Rd

Parasidr, SA, Australia, 5075

Email: kemp0092@flinders.edu.au

Phone: +1404 760 952

Organization: Beam Reach Student

General Comment

My name is Ashleigh and I am a marine biology student from South Australia. I came to be apart of Beam Reach in 2007 to studying the SRKW around San Juan Island. When I first encountered the whales I was absolutely shocked. There was easily 3x as many boats as there were whales (early in the season).

In QLD there are ecotourism boats that take people to see the humpback whales. There are never anymore than 2-3 boats at a time around the whales and it was LAW to stay 100m away (although most boats were further). I was in disbelief when I heard that at that point there were only GUIDELINES as to how close you could get to the whales. Thank god that guideline turned into a law!

I've descried the SRKW to people back home as the celebrities of San Juan, and the boaters as the paparazzi. It was complete mayhem out there and I felt guilty for even being on the water and contributing to one more boat out there.

One day late in the season I was fortunate enough to be on the water when we encountered J

Pod. There were no other boats around and we switched off our engines as it was a glassy day. The whales seemed calm and happy. Whereas earlier in the season they always seemed to be on a mission to escape the boaters. On this day with only one boat around they seemed playful, inquisitive and relaxed. Out of a total of 4 weeks at sea following the whales, this was my favourite encounter as their demeanour seemed at peace.

These whales do not have a choice, they need this habitat for their home and their livelihood. They can only swim so far before a boat coming from another direction tracks them down. I can't imagine how terribly it must be for them being tracked all during daylight hours.

This species is in the danger zone. I don't think we can afford NOT to play the "what if" game. We are at a crossroads and this species is relying on us. Please grant these whales a protection zone and give them the peace they deserve.

It is our impression that most San Juan Island residents (including the owners of both commercial whale watch boats and commercial kayak companies) were jubilant when our Southern Resident killer whales were listed as endangered under the ESA on 11/18/05. San Juan Island finally had the federal government's support to help ensure the survival and well being of this precious resource. It should be no surprise, then, that, after almost 4 years, the federal government has proposed new regulations to protect the Orcas.

Are the proposed regulations rational and reasonable, and, if implemented, will they protect killer whales from vessel interference and vessel noise. After studying the proposed NOAA regulations relating to both vessel approach restrictions and the no-go zone on the west side of San Juan Island, we conclude that:

- 1. THERE SHOULD BE ENFORCEABLE NEW REGULATIONS to protect the resident whales.**

We suggest that "intent" be eliminated as a component of any new regulation. If a violation of a regulation occurs, there should be no need to prove the intent of the boater. If he is where he should not be, he should be penalized—perhaps \$500 for a first offense.

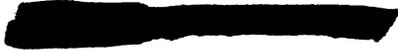
- 2. AN EXPANDED AND CLEARLY DEFINED NO-GO ZONE IS A RATIONAL, REASONABLE AND EASILY ENFORCEABLE PROPOSAL. The boundary (length and width) of a no-go zone is a subject up for debate. We believe that a width of 1/2 mile is reasonable.**
- 3. ALL MOTORIZED VESSELS (commercial and private, including sailboats) SHOULD BE PROHIBITED IN THE NO-GO ZONE.**

As Westside residents on San Juan Island, we have observed that the worst offenders of whale harassment are the increasing numbers of private boaters (including sail boaters) who purposefully chase the whales and/or who stop in the path of oncoming whales. These people don't care about voluntary regulations and they can easily avoid prosecution because of the lack of enforcement resources and because of the current burdens of proof of a violation.

The majority of commercial whale watch vessels (with the exception of some of the Canadian boats which "zoom" in when whales are present) comply with the current regulations. However, we now realize that, in order not to interfere with the whales' echolocation, foraging and communication, all motorized vessels should be farther away from the whales than required under existing regulations. With respect to any new regulations, the "distance" needs to be scientifically grounded. Our suggestion is that no motorized vessel be permitted within 200 yards of the whales.

- 4. KAYAKERS, BOTH PRIVATE AND COMMERCIAL, AND ADJACENT LANDOWNERS SHOULD BE ALLOWED IN THE NO-GO ZONE (even though we have seen the numbers of kayakers increase substantially in recent years), unless NOAA can scientifically demonstrate that they, too, pose a specific and significant threat.**

We recognize that whale watching (both from shore and water) is vital to maintaining a viable economy on the island. That being said, we feel strongly that our Orcas need better protection than we are currently providing. Carefully crafted new regulations can help preserve and, hopefully, increase our whale population, so that whale watching will continue to attract tourists.



Fw: [Fwd: FW: NOAA.gov Help]

Subject: Fw: [Fwd: FW: NOAA.gov Help]
From: David Cottingham <David.Cottingham@noaa.gov>
Date: Sat, 16 Jan 2010 04:54:40 -0500
To: "'donna.darm@noaa.gov'" <Donna.Darm@noaa.gov>, "'Lynne.Barre@noaa.gov'" <Lynne.Barre@noaa.gov>

Fyi

DC

From: Steve Meyers <Steve.Meyers@noaa.gov>
To: David.Cottingham <David.Cottingham@noaa.gov>
Cc: Connie Barclay <Connie.Barclay@noaa.gov>
Sent: Fri Jan 15 14:23:34 2010
Subject: [Fwd: FW: NOAA.gov Help]

David-

Could you please respond/take action on this?

Also, for someone else, do yo please have a phone number for the Alaska Whale Foundation??

----- Original Message -----

Subject:FW: NOAA.gov Help
Date:Fri, 15 Jan 2010 14:09:52 -0500
From:NOAA Webmaster <webmaster@noaa.gov>
To:Steve.Meyers@noaa.gov, 'Connie Barclay' <Connie.Barclay@noaa.gov>

Can you handle this?

-----Original Message-----

From: Andrea Simmons [<mailto:as4444@centurytel.net>]
Sent: Friday, January 15, 2010 1:04 AM
To: webmaster@noaa.gov
Subject: NOAA.gov Help

Hello,

In my local newspaper in the San Juan Islands off the coast of Washington, it said that up until the 15th of this month it was possible to write to orca.plan@noaa.gov But that just goes to noaa.gov which gives no place to comment The question at hand here is whether or not to ban boats from May to September in order to protect the whales. The argument against it has to do with tourism, but to my mind, if we hound the whales out of existence there will be no tourists coming to see whales at all. With a ban on boats, and hopefully allowing Kayaks. Tours would be for those willing to go out in Kayaks and there could be busses taking people to Lime Kiln Park for picnics to watch for whales.

It is time we develop other tourism besides the whales for the summer. Like the arts. There has been a group attempting to create a Accredited Visual Arts Museum here since 2002. There is a built in

relationship with the Art Gallery of Greater Victoria.
Having their exhibitions here would be at least as much of a draw as the
whales. I have lived here in the islands for 11 years and
have never gone on a whale watch boat though have seen and been thrilled by
the whales many times.

I don't believe that this is something we should ignore. Less boats might
even make the salmon happier which would make the whales happier.

So...I am in favor of either cutting the boats in half or getting rid of
them during the summer altogether.

Sincerely,

Andrea Simmons
Friday Harbor WA

To: NOAA

Date: Sept. 24, 2009-09-24

Topic: Hearing on new proposals to protect orcas.

I support the proposal to increase the distance and to close an area off of San Juan Island. However, I ask that the closed area be larger in size. The proposed size is very small. I believe it is time that NOAA act to reduce the stress of boats on orcas. The science is in and it is time to take action.

My husband and I are recreational boaters. After seeing the circus that surrounds the orcas pods day in and day out we no longer sail where there might be orcas. It is shocking to see and worse to know that most of it is legal. Dozens and dozens of boats surround the orcas and sometimes there are even helicopters flying above. It is an unbelievable. I don't know how we can say we are trying to protect this endangered species and yet allow this kind of activity.

There are far too many commercial whale watching boats. When we visit Victoria we are amazed to see the number of whale watching boats going out of just that one city. Boat after boat after boat all day long. Like fishing, this is a business that needs some limits. It's being over-fished.

I also believe there is so much more NOAA could do to educate recreational boaters. A representative should be at every major boating event such as fishing derbies, boat shows, the Trawler Fest. There are numerous free

Oct. 3, 2009
Assistant Regional Administrator
Protected Resources Director
Northwest Regional Office
National Marine Fisheries Services
7600 Sand Point Way NE
Seattle, WA 98115

Re: Area Protection - 200 ^{yard} ~~foot~~ rule

1- Boats staying close to the areas
are in my opinion, causing ~~the~~ problems.

They keep their engines running
so they can follow the pod!

I saw this happen 2 years ago
while on a whale-watch boat.

I also see it happen directly in
front of our house here on
Bellingham Channel.

Most boaters are considerate
nowadays, but some are not.

The 200 ~~foot~~ ^{yard} rule is better
because of engine noise:

2- Keel killer, pesticides, and fertilizer
should be discouraged, especially
for people who live on the shore,
but also for people living inland.

B

Mrs Jacqueline J Bohn
5036 Potlatch Ln
Anacortes, WA 98221-8922

Thank you,
Mrs. Bohn

Jan. 4, 2010

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

Re: Orca protection

Dear Sirs,

I am writing for the 2nd time.
Since my last letter of comment
we have gained 4 new baby orcas.

We simply must protect these
amazing creatures.

When the whales travel through
Bellingham channel in front of our
house most boaters stay back. But often
there will be one boat (usually a whale-
watch boat) that gets too close,
leaves the engine going, and moves
along with the pod.

We never use lawn fertilizer,
weed killer, or other chemicals,
and we encourage neighbors to do likewise.
Thank you for caring.

Mrs. Jacqueline J. Bohn
5036 Peltatch Ln. (cell 360-
Anacortes, WA 98221 661-2300)

Thank you for the opportunity to share my opinions with you tonight.

I own a boat and do most, if not all, of my boating in the areas we share with the orcas. I have seen the local pods of orcas a number of times and I don't feel that I would need to be any closer than 200 yards from them to get a good view. In other words I support stricter regulations to protect them from undue disturbance. I realize that this will make it harder on the whalewatch operators but there comes a time when we must put the protection of the orcas over profits.

I also feel that there should be a closed area on the West side of San Juan Island. There is a closed area on the North end of Johnston Strait called Robinson Bight in British Columbia. It doesn't seem to put a undue burden on the whalewatch operators in that area. Again I think that the survival of the orcas is more important than profit.

I also feel that there are too many commercial whalewatch boats descending on the orcas at the same time. There are times when I have seen 10 to 12 commercial boats and probably even more private boats around a pod at the same time.

Whatever regulations you decide upon they aren't going to be of much benefit without enforcement and education. I know that you have a zippy enforcement boat. Take it out and enforce the regulations. That will get the word out that you are serious about protecting the orcas. I also think a lot could be done in the area of education. I notice that there are no questions on the Boater Certification Exam about marine mammal regulations. I think they are more important than how to store your canoe. I think that there could be more outreach such as having booths at boat shows and salmon derbies. The regulations could be covered in Coast Guard

Auxiliary and Power Squadron Courses. Posters could be posted around marinas, fuel docks and marine and fishing supply stores. You could offer speakers to boating and civic groups. Create public service announcements for television and radio station and periodically have an announcement on the marine weather forecasts. Without education and enforcement any regulations will be ineffective.

Thank you,

Robert Hall
2612 16th Street
Anacortes Wa 98221
Kingfish.h@gmail.com

I am opposed to increasing the ban on the west side of San Juan Island

Subject: I am opposed to increasing the ban on the west side of San Juan Island
From: helen king <helen@highlandinn.com>
Date: Wed, 19 Aug 2009 16:44:02 -0700
To: Orca.Plan@noaa.gov

NOAA

I live on the west side of San Juan Island and observe the behavior of boats here when the Orca whales are present. If you watch the boating activity, you will see it is the private boats that are the worst offenders. Most whale watch operators warn violators of the whales and remind them of the whale guidelines. The whale watch operators are there to protect the whales and no one is more concerned about their welfare. The whale watch operators also support the Sound Watch patrol boat. Put them out of business....which you will surely do....and remove them from our waters and the whales will be left at the mercy of rouge boaters and whale watch operators from Canada who will not be forced to observe our restrictions.

The guests at my bed and breakfast here go out to watch the whales daily, either with the professional whale watch operators, by going to the Lime Kiln Lighthouse nearby, or simply watching from the veranda of my inn. They receive knowledge and respect for our whales and become supporters of our programs to protect them through the education they receive with the on board naturalists on the whale watch boats or from others knowledgeable here about our whales.

Please consider how well the current guidelines work. We don't need a larger "no go zone" which would prohibit launching boats or kayaks from the island shores. Surely kayaks do no harm! The islands attract kayakers and whale watchers from all over the world. Think of the impact on our economy and tourism in the islands! Would you also shut down Snug Harbor and Roche Harbor Resort on the west side of the island?! Be reasonable. This proposed ban is far too extreme and not necessary for the welfare of the whales, salmon runs, their habitats, reduction of toxins, and will not make any difference in the quality of the Salish Sea. When Victoria, BC is still dumping raw sewage into our Salish Sea....that is a battle more worth fighting!

The current restrictions are sufficient. I believe the 100 yard buffer zone, (1/4 mile), from the Orcas on the west side of San Juan Island, (1/2 mile at Lime Kiln Lighthouse), for motorized craft when whales are present is all that is needed at this time.

Whale enthusiast,
Helen King
The Highland Inn of San Juan Isla

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

We support the 200 Yard buffer for the orca whales!

Subject: We support the 200 Yard buffer for the orca whales!

From: Kangaroo House Bed & Breakfast <Innkeeper@KangarooHouse.com>

Date: Wed, 19 Aug 2009 19:05:33 -0700

To: Orca.Plan@noaa.gov

Hi,

We just got prompted at random to sign a petition for keeping the minimum distances the same. But we strongly support your decision to widen the minimum approach distance to 200 yards and hope you will one day completely prevent boats or planes from pursuing of these animals.

Most sincerely,
Charles Toxey and Jill Johnson
Orcas Island, WA

Subject: Yes to new orca rules
From: sorrel@rockisland.com
Date: Thu, 20 Aug 2009 15:43:11 -0700 (PDT)
To: Orca.Plan@noaa.gov

Dear NOAA,

I have been a resident of Lopez Island for 30 years and would like to wholeheartedly endorse the new proposed regulations for protection of our southern resident orca whales. I have watched with increasing distress the ongoing and accelerating harassment of these endangered creatures by whale watching boats. While I believe there are certainly well-intentioned operators who respect the whales, the bottom line is this for-profit industry has gotten out of control, capitalizing on a species that is nearly extinct.

When I first moved to Lopez, seeing a whale was a grand event and the pod was always alone. Nowadays, from dawn until dusk, the only way to tell there are whales present is because you can see 15 or more whale watching boats tailing them. The underwater noise must be horrendous (and really, 100 or 200 years probably makes very little difference to sonar). What appeals about your new regulations is the no-go zone off of San Juan Island. I hope you consider extending that zone and giving these incredible, intelligent animals some peace before we drive them to extinction.

Thank you,

Sorrel North
PO Box 743
Lopez Island, Wa 98261
360-468-3832

Subject: San Juan Island Orcas
From: Someone Else <hippie1427@yahoo.com>
Date: Fri, 21 Aug 2009 09:52:32 -0700 (PDT)
To: Orca.Plan@noaa.gov

While I would love to be able to be closer to these animals, we must do what is best for them. If you love them, let them go. If it is necessary to restrict access near these animals, then it should be done. I would hope that in the future limited access might be allowed again as the specie's position improves. I know there may be concerns for the financial implications for area tour operators, but as things change in any economy, business must and will adapt. The needs of the guides must be secondary to the needs of the attraction, or both will fail.

Subject: New restrictions to protect orcas
From: Martha & Robert Hall <kingfish@fidalgo.net>
Date: Fri, 21 Aug 2009 16:53:52 -0700
To: Orca.Plan@noaa.gov

I support the new NOAA proposed restrictions on boats to protect the orcas in the San Juan Islands. I support increasing the distance to 200 yards and I strongly favor closing an area on the west side of San Juan Island to boating so that the orca pods have at least a small area where they are not harassed by boaters. We have a sailboat and are well aware of the carnival atmosphere that follows the orca pods throughout most of their days as dozens of private and commercial whale watching pods follow the pods. We've found it so disturbing we avoid areas frequented by the orcas so as not to add to the problem. I am amazed that NOAA has not acted sooner. Research certainly suggests that engine noises impact orcas. With their numbers declining, we must move to reduce as many stressors as possible. Boat activity is certainly one of these that we can do something about.

I hope you will adopt the proposed changes. If anything I do not feel they go far enough. I believe a larger no-boat area should be created. I also believe that some kind of limit needs to be placed on the number of commercial whale watching boats. We've often moored at Victoria and watched Prince of Whales send out boat after boat from early morning into the evening to harass the orcas. And this is just one company.

Sincerely,
Martha Hall

Subject: Comments on Proposed Rules governing Southern Residents
From: Monica Harrington <monicah428@hotmail.com>
Date: Mon, 10 Aug 2009 00:10:41 +0000
To: Orca.Plan@noaa.gov

I previously submitted a short comment in support of the new regulations. This email expands on earlier input. Thank you, Monica Harrington

Imagine a pack of Harleys chasing after a pack of endangered wolves 12 or more hours a day, every day. That, in essence, is what the whale-watching boats are doing to the Southern Residents.

As someone who once served as a National Park Service ranger, I find it deeply disturbing to see so many people who claim to want to protect the orcas do something that specifically causes them harm.

A few years ago, I attended a meeting to discuss options for protecting the health of the whales. Since our property is on the West side of San Juan Island near a prime feeding area for the whales, I saw them almost daily, often for hours at a time, and also saw regular violations of the "voluntary guidelines" the whale-watching boats claimed to follow.

At the time, the whale-watching industry was fighting the effort to enact legislation that would put teeth into the voluntary guidelines. The whale-watch operators were claiming they could self-police. I asked them to name any specific time where they had turned in one of their own. Zero. I asked them why their marketing brochures showed boats literally on top of the whales. No answer.

Shortly before it became clear the listing would happen, the whale-watch operators repositioned themselves as having supported the listing effort all along.

The Southern residents are at a tipping point. The noise from boats increases stress for the whales, which makes it harder for them to communicate and to feed, which directly impacts their chances for survival. That is reason enough to stop the constant harassment and serial whale chasing.

Recently, there has been much back and forth regarding the proposed regulations in the newspapers of San Juan Island. I hope that people from NOAA read the commentary (available on www.sanjuanjournal.com) in its entirety and consider three specific points:

1) Because our property is on the West side of San Juan Island near a prime feeding spot, I have observed the whales and the boats for hundreds of hours over many seasons. My reactions to what's happening on the water are based on first-hand observations. In many ways, I am a reluctant witness. As someone who has been a high profile spokesperson, I consciously did not want a high profile when I first moved to the island in 2000. I only became an outspoken advocate because I have seen so much behavior that violates existing guidelines and Washington State law. Other than owning property on San Juan Island, I have no financial interest in the issue at all.

2) NOAA specifically says that "The listing of a species as endangered makes it illegal to "take" (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to do these things) that species."

To "chase" and "to follow along with" are among the top definitions of the word "pursue." It's my opinion that these activities are an intrinsic part of today's whale watching scene.

Attempts to further narrow the definition of pursue should be recognized for what they are – a chance to minimize the illegal behavior of many whale watch operators and private boaters.

3) Soundwatch has supplied a lot of the data to NOAA. In considering how to interpret the data, I hope that everyone keeps in mind that Soundwatch is not an independent body but instead has historically relied for funding and support from many people in the whale watch industry. (The specific numbers are currently unavailable because Soundwatch does not post this data.)

With this in mind, it's interesting to note that when specifically measuring "in-path" incidents for its mid-season 2009 report, Soundwatch observed that 88 incidents were caused by professional whale watching boats and 155 were caused by private boats. It's likely that most, if not all, of the professional whale watch boats know what the Soundwatch boat looks

like - so this provides a snapshot of what happens when the Soundwatch boat is on the scene and the professionals know their conduct is being monitored.

Everyone seems to acknowledge that the presence of Soundwatch affects behavior - which is why I don't think it makes sense to extrapolate these numbers in a linear fashion to describe what happens when Soundwatch is NOT on the scene. And in fact, although Kari Koski has been quoted publicly as saying private boats cause most of the problems, her conclusion is not consistent with my observations from land. I think a more accurate statement from the Soundwatch team might be: "We have data on what happens when Soundwatch has an active presence. When Soundwatch is on the water, private industry accounts for more than a third of the "in-path" incidents, with private boats accounting for the rest. We don't have good numbers for what happens when Soundwatch is not on the water."

The bottom line is that I am grateful to the NOAA scientists for making the recovery of the whales a top priority and I support the newly proposed regulations.

Sincerely,

Monica Harrington

Monicah428@hotmail.com

(206) 399-9876 - mobile

Subject: new laws to better protect Orcas
From: Linda Martens <xtendent@telus.net>
Date: Wed, 12 Aug 2009 19:44:49 -0700
To: Orca.Plan@noaa.gov

No fine is too huge!
This is the only way to deter human idiots!
Please create strong laws to deter boat traffic.
sincerely,
L. Martens
Vancouver, B.C

Subject: [Fwd: Re: Proposed Killer Whale Vessel Regulations]
From: Janet Sears <Janet.Sears@noaa.gov>
Date: Thu, 06 Aug 2009 07:29:24 -0700
To: Lynne Barre <Lynne.Barre@noaa.gov>

----- Original Message -----
Subject: Re: Proposed Killer Whale Vessel Regulations
Date: Wed, 05 Aug 2009 23:36:40 -0700 (PDT)
From: Gretchen Mueller <gmueller@brandexplore.com>
To: Janet Sears <Janet.Sears@noaa.gov>
References: <4A6F2C75.8070705@noaa.gov>

Awesome awesome awesome!! Thank you and NOAA so much for making the welfare of the whales a priority!

Kind Regards,

Gretchen Mueller

Gretchen K Mueller
Brand Explorations
Ph 888-828-2874

On Tue, July 28, 2009 9:51 am, Janet Sears wrote:
Apologies for any duplicate notices. You commented on our advance notice of proposed rulemaking for potential vessel regulations. We've just released the proposed regulations and wanted to ensure that you're aware of them.

Fisheries Service Proposes New Rules to Safeguard Puget Sound's Killer Whales
Endangered Whales Could Be Given Wider Berth, Safety Zone

NOAA's Fisheries Service is proposing new rules on vessel traffic aimed at further protecting Southern Resident killer whales in Washington's Puget Sound. These large marine mammals, the subject of intense curiosity from kayakers to tourists crowding the decks of commercial whale-watching vessels, were added to the Endangered Species list in late 2005.

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

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

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

While Southern Resident whales are also threatened by degraded water quality in the sound and lack of prey, primarily salmon, biologists have known for years that vessel traffic may be tied to their low numbers.

The whales, which depend on their highly sophisticated sonar to navigate and find food, can be affected by underwater noise from boats and disturbed by vessels that approach too close or block their paths. The population peaked at 97 animals in the 1990s and then declined to 79 in 2001. It currently stands at 85 whales. The agency's recovery plan, released in early 2008, calls for actions to reduce disturbance from vessels.

If adopted, the earliest the rule would take effect would be May 2010. The agency said it will hold public meetings Sept. 30 in Seattle and Oct. 5 in Friday Harbor for people to learn more about the proposed rules. The public comment period on them closes Oct. 27, 2009.

See the Web at

<http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Killer-Whales/ESA-Status/Orca-Vessel-Regs.cfm>

for more information.

Subject: Proposed Regulations

From: sharon <sharonlaurel@comcast.net>

Date: Wed, 19 Aug 2009 07:45:00 -0700

To: Orca.Plan@noaa.gov

I was very grateful to see that NOAA has proposed new limits on how close boats will be allowed to view orcas and the setting up of a half-mile-wide no-go zone along the west side of San Juan Island. I live on Anacortes and over the last several years have watched with alarm how the orca pods are hounded by increasingly larger numbers of watercraft, usually following the lead of a professional whale-watching boat. I have not understood how these whales can be classified an endangered species and still allowed to be constantly harassed by noisy boats. We have many high viewing points above the water where the whales can be observed and enjoyed.

Thank you for proposing this increased protection for this amazing, but dwindling, population.

Sharon Laurel

Subject: Orcas

From: dpstrand@rockisland.com

Date: Wed, 19 Aug 2009 12:52:03 -0700 (PDT)

To: Orca.Plan@noaa.gov

I believe that the current restrictions of 100 yards is plenty for viewing of the Orcas. I have worked at the Whale Museum and at Wolf Hollow , a wildlife sanctuary. I try and support the Whae watching business but going out as often as I can afford it. I have Never seen abuse, only caring and respectful watching. As far as Kyakers go, it is ridiculas to think that they are a problem to the orca. I have watched them from shore, they cannot keep up with the Orca not do they harass them. Isn't there some middle ground we can reach here? Our very lively hood will go our the window. the Orca are the very reason people come to the Islands. There will be people who go too far in every situation. If you make it impossible to see the orca from a boat the problems will then be visted on our precious shorelines. the amount of people visting the park and getting frustrated or plain mad that there are too many people to see them, the trash and the distruction of fragile habitat simply by the amount of footsteps on our shoreline. Someone please think before we go off half cocked and take away the right to see these wonderful, revered and loved animals. Thank you for listening, Paulette Strandberg

Subject: Proposed Vessel Regulations for Killer Whales

From: Jeff Faubel <jeff.faubel@neustar.biz>

Date: Mon, 03 Aug 2009 12:08:28 -0700

To: Orca.Plan@noaa.gov

I applaud your efforts to increase the current 100 yard buffer for whale watching tours to 200 yards.

Question: how do you intend to enforce it? I frequently kayak the waters inhabited by the Orcas and frequently see whale watching boats openly flaunt the voluntary 100 yard buffer.

Also I assume kayak are not affected by the proposed rules as they don't contribute to the noise pollution problem?

Thanks

Jeff Faubel

Subject: Proposed Orca regulations
From: Maradel Gale <mkgale@uoregon.edu>
Date: Tue, 04 Aug 2009 09:25:00 -0700
To: Orca.Plan@noaa.gov

To: NOAA decision-makers

I wholeheartedly support the proposed rules for greater protection of the orca resident population in the Salish Sea. As much as it is wonderful for people to be able to see the orcas up close and personal, since it is known that the sound of boats within 200 yards is bothering them, this new rule is a no-brainer. Yes, there may be economic impacts on the companies that provide tours on the water to seek out the orcas. But a far greater economic impact will follow if the whales are disrupted from their foraging, for example, to the point that they can no longer survive in their own waters. This is just one of many situations where we must put the welfare of the animals over the economic benefits to an industry. And if people really want to get up close to the orcas, they can spend time at Lime Kiln Park, among other places, where the orcas do come near shore.

Thank you for considering my comments, which are strongly in favor of the proposed new regulations.

Maradel Gale
239 Parfitt Way SW, #2A
Bainbridge Island, WA 98110

Subject: comments on new proposed regulations
From: expeditionpaddlers@gmail.com
Date: Wed, 05 Aug 2009 10:33:48 -0700
To: Orca.Plan@noaa.gov

Dear NOAA,

We would like to extend our support for the need to adopt the new proposed, greater distance regulations protecting the Endangered Southern Resident Orca whales.

The current situation on the westside of San Juan island, allowing commercial kayak businesses to launch at the county park and take thousands of customers a year to paddle in the protected waters towards Lime Kiln completely disrespects these animals and nullifies the whole point of mandating it as a current 'no-go' zone. We have sat along the shores of the island, watching countless, blatant kayakers violate the current Whale wise guidelines as they paddle directly at approaching whales, etc...

We have spent time observing the Northern Resident Orcas up in Johnstone Strait near the Robson Bight Orca Sanctuary, which is strictly a no-go zone for ALL craft (except those fishermen with exceptions) and support the need for a similar 'Orca Sanctuary' to be developed here in the Pacific Northwest for the Southern Residents.

I also would like to add that after personally working on two different commercial whale-watching vessels in the past two years as both a deckhand and naturalist, the Victoria Star 2 - from Bellingham and the Mystic Sea- from Anacortes, I became aware of the fact that neither of these two boats, along with the Island Explorer2, another Anacortes-based vessel, are pumping out the their onboard sewage at the free pump out docks within the marinas they moore at. Instead, they are choosing to empty it into the San Juan waters while on their 'wildlife tours' May-Oct. I have expressed my concerns to Senator Kevin Ranker, who has stated he too is concerned and will look into this matter. I ask you to please work together with Mr. Ranker and the USCG to include stricter sewage dumping regulations prohibiting this unnecessary and unethical polluting practice by these local business owners who seem to care more about the dollar signs going into their pockets than the integrity of the Puget Sound waters and health of the Southern Resident Orcas.

Thank you for your time,

Sincerely,

Jim and Nadja Zimmerman

--

Subject: Proposed protective regulations for NW killer whales

From: Christina Price <christinamareep@comcast.net>

Date: Mon, 10 Aug 2009 20:03:08 -0700

To: Orca.Plan@noaa.gov

The Southern Resident Killer Whales captured my attention when I first moved to the Northwest 30+ years ago, and ever since then I have read every book, article, research paper, etc. that I could find. Each year my husband and I have traveled to the San Juans in June and September to take whale watching excursions. While I thoroughly enjoyed these excursions I often wondered about the impact of the boats, sometimes a dozen or so at a time, following the whales around (at the legal distance), the noise of the engines, and the occasional boater violating the rules (whether by accident or deliberately) by driving right into the whales' paths. I recently read an opinion that made me realize what it must be like for the whales. The writer described that taking whale watching boat excursions is the equivalent of following wolves around their natural habitat, maintaining the proper distance of course, in all-terrain vehicles. When I read that statement my heart sank. All these years I have been taking whale watching trips to see my beloved orcas in their natural habitat, mindlessly disrupting the lives of these beautiful, intelligent creatures. Instead of contributing to the solution I was contributing to the problem! It is now clear to me that whale watching excursions have to be stopped altogether. That is why I fully support proposed regulations that further restrict vessels from approaching killer whales and prohibit vessels from entering a conservation area during a defined season. If the whale watching industry is truly concerned about the welfare of killer whales, and the Southern Resident whales in particular, they should also whole-heartedly support the proposed regulations. We must take every step possible, immediately, to save these precious whales from extinction.

Subject: New vessel regulations to help Orcas
From: Gretchen Mueller <gmueller@brandexplore.com>
Date: Wed, 05 Aug 2009 22:36:24 -0700 (PDT)
To: Orca.Plan@noaa.gov

Dear NOAA Team:

Thank you so much for recognizing that we must do many things to help the Southern Resident Orcas--cleaning up our waters, restoring salmon runs, and providing the orcas with a harassment-free environment in which to hunt! Kudos for proposing stricter vessel regulations (1/2 mile no-go zone and 200 yards away)--this may not be the only reason our orcas are in crises, but research shows that vessels do interfere with the orcas' ability to hunt and eat. Your new regulations are much needed, and will help!! Thanks for taking this great step!!

Tom & Gretchen Mueller
Friday Harbor & Seattle WA

Gretchen K Mueller
Brand Explorations
Ph 888-828-2874

Subject: Orca Plan

From: Brian Fleming <brianf@suckerpunch.com>

Date: Thu, 30 Jul 2009 00:14:18 -0700

To: Orca.Plan@noaa.gov

I'm generally in favor of this no-go zone. I'm also a regular salt-water boater, a recreational fisherman, and my kids adopted an orca (L-77, Matia) for the last couple years.

But the key reason I am writing is I think there are inappropriate exceptions in the proposed rules. Allowing commercial and tribal fisheries is in my view a mistake, and also unfair.

It's a mistake because this is an endangered species we are dealing with. If we're going to be serious about this issue, we can't make exceptions for convenience. Certainly commercial and tribal fishing have their rights curtailed to meet ESA restrictions and impacts -- I am confused why they would be allowed to have their impacts remain on these orcas, while other user groups (recreational, whale watching) would be banned. I can perhaps see that homeowner exceptions might be reasonable, but beyond that I think there are too many compromises here.

Furthermore, I think the principles of fairness to the fishermen -- including recreational -- mean that you can't discriminate against one user group over the others in terms of applying ESA restrictions. No boats means no boats.

So count me as a supporter--but ONLY if the rules apply to commercial and tribal fishing, as well.

Brian Fleming
4721 91st Ave NE
Yarrow Point, WA 98004

Subject: [Fwd: public comment killer whales]
From: PR Webmaster <Pr.Webmaster@noaa.gov>
Date: Thu, 30 Jul 2009 09:57:44 -0400
To: Orca.Plan@noaa.gov

This comment was sent to the PR Webmaster email box--

----- Original Message -----

Subject:public comment killer whales
Date:Wed, 29 Jul 2009 11:05:07 -0700 (PDT)
From:p dasovich <pdasovich@yahoo.com>
To:Pr.Webmaster@noaa.gov

Dear Sir or Madam,

I would like to comment on the proposal for the restrictions to killer whale watching boats in the northwest corner of Washington, however, I cannot find a public comment section for this on your website. I am fairly computer savvy and am concerned that others will not be able to comment if they can't find how to do so.

If there isn't one and this email is the method through which to comment, then please note:

I am a lifelong Washington State resident who is in favor of such further restrictions. Having been on three whale watching "tours" throughout the San Juan Islands throughout my life, each time I left feeling unnerved that the whales' overall health and protection were being exploited and violated at the expense of a for-profit industry. The three different whale watching organizations that ran these boats were able to drive straight through the whale's path and turn off their engines just before the whales passed directly under the boat. These trips were from 2000-2007. If the oil, gas, current and traffic haven't been proven yet to affect the whales, surely the amount of noise pollution from the boat must interfere with whales' communication. I am in favor of the limits in distance a boat can get to whales and also in favor of a no-boat-zone near San Juan Island.

If this is not the correct site to make a public comment, please let me know or forward my comment to the correct location. Thank you for taking measures to protect our natural environment.

Regards,
Patricia A. D. Yunge
1323 Old Samish Road
Bellingham, WA 98299
360-671-5561

in full support of the rules

Subject: in full support of the rules

From: Monica Harrington <monica@picnik.com>

Date: Thu, 30 Jul 2009 09:11:02 -0500

To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

I enthusiastically support the new rules. Our property is on the SW side of the island, in the vicinity of Pile Point. Just offshore is one of the prime feeding areas, and the orcas are often there multiple times a day.

We witness the incessant hounding of the Orcas on a regular basis and want to see it stop.

My husband and I have tracked the issue closely and understand the consequences. As boaters ourselves, we believe the new rules are absolutely necessary.

Sincerely,

Monica Harrington

Subject: West coast of San Juan Island
From: Aaron Peterson <apeterson@industrialcu.org>
Date: Thu, 30 Jul 2009 11:45:01 -0700
To: Orca.Plan@noaa.gov

Allowing exemptions for commercial fishermen while banning everyone else is absolutely absurd.
The same rules for everyone!

Aaron Peterson
11 Marigold Drive
Bellingham, WA 98229

Subject: I support the new proposed 200 yd distance for boats
From: Bryony Angell <bryony_angell@hotmail.com>
Date: Fri, 31 Jul 2009 16:15:59 -0700
To: Orca.Plan@noaa.gov

As an advocate for our native wildlife, I strongly support new rules dictating increased boat distance from our native orca whale population in Puget Sound.

This summer I saw, from land, one of the larger pods (20 to 30 whales) passing Lopez island's southern end. They were accompanied by 3 whale watching boats, and several pleasure boats, and I am happy to report that all the boats were observing the current voluntary 100 yd rule. There was no harrassment visible and the whales passed by at their own pace over the course of 30 minutes.

However, I support increased distance even so. And I am disappointed that some vessels are exempt from any rules, such as shipping vessels and the pilot boats that accompany them. Such boats should be aware of the seasonal migration of the orca, their increased presence at certain times of the year, and heed a lower speed limit at the very least.

Thank you for permitting me to comment, and I hope this rule passes and allows for greater enforcement of protection against boat harrassment for our orca.

Thanks very much

Ms. Bryony Angell
1718 NE 124th St
Seattle WA 98125

Windows Live™ SkyDrive™: Store, access, and share your photos. [See how.](#)

Subject: No Go Zone
From: Patrick Kirby <otter@rockisland.com>
Date: Wed, 29 Jul 2009 09:05:51 -0700
To: Orca.Plan@noaa.gov

Hello,
You should extend the "no go zone" southward to Cattle Point.
You should add a zone along the west side of Henry Island.
Thank you,
Patrick Kirby
426 Mountain Shadows Lane,
Friday Harbor, WA 98250

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4288
(20090729) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Subject: Comment on Orca Recovery Plan: Regulation of Vessel Effects

From: oap@whalemuseum.org

Date: Wed, 29 Jul 2009 09:38:11 -0700

To: Orca.Plan@noaa.gov

Dear NOAA:

BRAVO!!! Thank you for strengthening protective measures for our iconic Southern Resident Killer Whales. I fully support expanding the approach zone to 200 yards and am thrilled about the proposed half mile no-go zone. As a resident of San Juan Island I look out from shore and see DOZENS of boats at a time in pursuit of the whales on a *daily* basis. Private boaters are the WORST and need strong sanctions for their dangerous behaviors. Thank you for your efforts to protect this wonderful species.

Nikki Ruggiero
135 Quail Crossing Road
Friday Harbor, WA 98250

Subject: Comment

From: Christopher Hodgkin <chodgkin@rockisland.com>

Date: Wed, 29 Jul 2009 10:41:31 -0700

To: Orca.Plan@noaa.gov

I just hope this isn't too little, too late.

From where we live, on the west side of San Juan Island, we routinely see vessels, both private and commercial whale watch vessels, intentionally getting right into the path of whales, driving far too close to them, and otherwise putting their selfish desire for a close-up experience of the orca whales ahead of the needs, interests, and health of the whales.

These regulations will at least help protect our endangered whales -- IF you also commit sufficient resources to enforce these regulations. A regulation does no good if it is not enforced.

Christopher Hodgkin
San Juan Island

Subject: PUBLIC COMMENT ON FEDERAL REGISTER

From: jean public <jeanpublic@yahoo.com>

Date: Wed, 29 Jul 2009 12:16:25 -0700 (PDT)

To: Orca.Plan@noaa.gov, AMERICANVOICES@MAIL.HOUSE.GOV,
CONTACT@HARPSEALS.ORG, FOE@FOE.ORG

1. PUT A ONE MILLION DOLLAR FINE ON ANY SHIP THAT HITS OR KILLS A WHALE. IF FINE NOT PAID, SEIZE THE SHIP.
 2. ESTABLISH SANCTUARIES WHERE NO SHIP CAN GO AT ANY TIME. THAT IS AN EASY WAY TO TELL WHERE THEY SHOULD NOT BE.
 3. GET THE US NAVY TO STOP BOMBING THE HELL OUT OF SHIPS OFF CALIFORNIA. THE MIGRATING WHALES ARE BOMBED TO DEATH BY THE UNNECESSARY "PRACTICE" OF TRAINING SAILORW, WHO EVIDENTLY CANT BE TRAINED WITHOUT DESTROYING WHALES.
 4. GET THE SEISMIC ACTIVITY SHIPS FROM LA JOLLS TO STOP PUTTING TERRIBLE SOUND IN THE OCEAN SO THAT THE WHALES CANT HEAR AND IN FACT HAVE BLOOD HEMORRHAGES AND DIE.
 5. MAKE SHIPS USE THEIR RADAR AND STAY L/2 MILE FROM ANY WHALE AT ALL TIMES, NOT 200 YARDS.
 6. MAKE THE FISHING COUNCILS REDUCE WHAT THE COMMERCIAL FISH PROFITEERS TAKE FROM THE SEA. THIS GROUP IS TERRIBLY CORRUPT AND TAKES 3 TIMES WHAT THEY ARE QUOTAED TO TAKE. ENFORCEMENT NEEDS TO TAKE PLACE TO SEE WHAT THEY BRING IN TO SELL. SURPRISE POLICE ACTION TO SEE WHAT THEY TELL YOU THEY CAUGHT AND WHAT THEY ACTUALLY CAUGHT. THIS STEALING FROM THE AMERICAN PUBLIC HAS BEEN GOING ON FAR TOO LONG. OUR KIDS WORLD IS BEING RIPPED OFF.
- JEAN PUBLIC 15 ELM ST FLORHAM PARK NJ07932

--- On Wed, 7/29/09, jean public <jeanpublic@yahoo.com> wrote:

From: jean public <jeanpublic@yahoo.com>
Subject: ONE MILLION DOLLAR FINE ON SHIP OWNER FOR KILLING A WHALE OR HITTING IT
To: JEANPUBLIC@YAHOO.COM
Date: Wednesday, July 29, 2009, 11:01 AM
[Federal Register: July 29, 2009
(Volume 74, Number 144)]
[Proposed Rules]

[Page 37674-37686]
From the Federal Register Online via GPO Access
[wais.access.gpo.gov]
[DOCID:fr29jy09-44]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 070821475-81493-01]
RIN 0648-AV15

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

AGENCY: National Marine Fisheries Service (NMFS), National
Oceanic and

Subject: Orca Recovery Plan Input

From: Brandon Guard <brandon.r.guard@gmail.com>

Date: Thu, 30 Jul 2009 10:07:02 -0700

To: Orca.Plan@noaa.gov

I know that this is rather informal, but please do not forget about the many recreational fisherman that primarily use the 1/2 mile from shore for both bottom fishing and salmon fishing. The West side of San Juan Island is one of the most productive fishing areas in the San Juans and most of the salmon reside where most of the whales are...makes sense that the whales will follow their food source. Creating a shore setback for ALL boats will all but eliminate the very productive recreational salmon and bottom fishing that occurs there at precisely the dates you have proposed. Furthermore, people engaged in the act of recreational fishing are powered off if they are fishing for bottom fish and they are trolling, typically with a low horsepower and relatively quiet "kicker" motor, like most people do in the area for salmon. Both of these options are very quiet. Recreational fisherman typically do not make up a large number of boats or space occupied on the water and do not seek to follow whales. Actually, whales kind of ruin a fishing hole for an hour or so because the fish are fleeing from their predators so whales aren't desirable on a typical fishing outing.

In Summary: A 1/2 mile setback will all but eliminate recreational fishing in one of the most fertile fishing grounds in the San Juans. Please keep the law in respect to the whales, not the shoreline or allow people actively involved in recreational fishing the right to exist there.

Some Suggestions, Understandably Unreasonable:

- 1) If you REALLY want to protect whales and end boat harassment of them, BAN commercial whale watching. It would rock our local economy and several individual businesses. All they do is follow whales for financial gain. I cannot think of something more disrupting to an endangered species. It is the equivalent of a paparazzi which is not fair to these animals.
- 2) End the Canadian whale watch boats which come over from Victoria and other places to view the whales. I know they come from there because I watch them, and they are conducting their business in US waters and disturbing the resident whales we intend to protect.

Please send me correspondence and sign me up for your mailing list. I would like to stay informed as I have been an avid fisherman since I was very young and would like to ensure that my children can fish sustainably in the same areas that I did.

Thanks and good luck with your proposal.

Brandon Guard

Subject: San Juan vessel regulation comments

From: Jim Gizzi <jagizzi@gmail.com>

Date: Fri, 15 Jan 2010 07:45:33 -0800

To: Lynne.Barre@noaa.gov

I do not see a link to make public comments on the proposed new regulations.

We spent a week on San Juan Island. It was exceptional in that every day we saw multiple pods of Orca. It was frustrating in that every day we also saw vessels encroaching on the pods. These were not isolated incidents. Every pod had boats tracking them, crossing their path, or parking in their path.

The whales avoided the boats but it was disheartening to see some of the vessels making way directly over the Orca at high speed. Had a whale surfaced it would have been killed or severely injured.

We also noticed that the whale watching boats maintained their distance and did not cross the paths of the whales. It was always private vessels, cruisers and fishermen.

My daughter, 8 years old, was able to see the implications of the many boats in proximity to the many whales. This is not rocket science. The pressure was heavy and unending. The rules need to be strengthened for the sake of the wildlife, not adjusted to accommodate the scores of people watching them from ever shrinking distances.

The whales are trying to survive, the people are on vacation. Survival should trump vacation.

Jim Gizzi
6804 NE 209th St.
Battle Ground, WA 98604

360 687-0386

Comment on Vessel Regulation.eml

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

Subject: New Vessel Rules
From: David Mahan <dmahan@drizzle.com>
Date: Tue, 28 Jul 2009 16:26:21 -0700
To: Orca.Plan@noaa.gov

I am a resident of the southwest side of San Juan Island. I am completely in favor of the proposed rules, and hope that the half-mile no-go area will extend as far east as Cattle Pass. (I haven't seen a map of the proposed area.) I think that extending the no-go area to a mile offshore would be even better.

David Mahan
120 Halfmoon rd.
Friday Harbor

Subject: proposed killer whale vessel regulations
From: Suzanne Pingree <suzy.pingree@gmail.com>
Date: Tue, 28 Jul 2009 17:22:47 -0700
To: Orca.Plan@noaa.gov

Thank you for this proposal. I hope it passes. I live on the west side of San Juan Island, and I watch pleasure craft routinely violate our current ordinance. When we can, we call Soundwatch or the sheriff and take photos, but it is clear that we need the 1/2 mile exclusion zone. It's not the whale watch boats, by the way. It's the power boats, sailboats, sports fishing boats, kayaks and small outboard boats who seem oblivious to the rule. I sometimes think they don't realize it applies to them, not just the whale watch boats. The whale watch boats actually help -- they mark where the whales are, and I've only seen one or two of them violate the 100 meter rule.

port for the new regulations on vessels and orca whales

Subject: support for the new regulations on vessels and orca whales

From: Rob Toledo <Rob.Toledo@razorfish.com>

Date: Tue, 28 Jul 2009 22:04:02 -0700

To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

Hello,

My wife and I live in Seattle and are lucky enough to spend a significant amount of time at a family home on San Juan Island, specifically on the west facing shore near False Bay. In fact, we were married there. It the most beautiful place we know. We watch the orcas almost all summer from the shore in amazement. The beauty of the orcas will never cease to amaze us.

Over the past couple of years we have watched an increasingly number of whale watching boats encroach on the whales. We desperately want to see the rules changed and enforced. Please let us know what we can do to help your efforts.

Thanks,

Rob and Gillian Toledo

rob toledo

senior account director

razorfish

direct 206 816 8720 | mobile 206 852 6140 | fax 206 816 8808

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Subject: No Go Zone by our third grade class
From: Dianne Hertzberg <dianne.hertzberg@shorelineschools.org>
Date: Fri, 15 Jan 2010 15:12:06 -0800
To: Orca.Plan@noaa.gov
CC: Laura Ploudre <laura.ploudre@shorelineschools.org>, jeff@killerwhaletaes.org

Dear Law Makers,

We are a third grade class at Parkwood Elementary in the Shoreline School District. We are sending this email so the Orcas can have a

No Go Zone. We think the No Go Zone is important because whales are safe there, because they won't have boats there.

We are afraid that the whales won't be able to find food because of sound pollution from boats. We need a No Go Zone because now there is

not much food for the whales, there are toxic chemicals and people should stop using them because orcas will die.

They don't have enough quiet room to raise their babies because it would be too loud. It would be hard for the babies to listen and learn

how to get food. If we lived like that we might get sick so maybe the orcas would too. They are under a lot of stress and that is not healthy

for them. With a No Go Zone the whales could find food more easily and have a safer place to live and raise their babies.

The no boat zone is important because the orcas might get hurt by a boat. If he orcas make sound, and there is a bunch of boats near

them, the sound comes back from the boat, the orcas think that the boat is their food, they might swim towards the boat, and they could get cut

by the propeller. If the whales come up to breathe near a boat and there is exhaust near, they might breathe it in, and that is not healthy for

them. If there were fewer boats the orcas could stay away.

Orcas are important because they are a living part of nature. We are helping by trying not to waste paper and water. If we save water it will

help the orcas by giving the salmon more water to live in. Some of us are taking shorter showers. We are also trying to save electricity too.

We adopted Hy' Shqa (J-37). She is nine years old just like us. We hope that you can help us so that Hy Shqa can grow up and have babies.

We want them to have a good life. We want them to make bigger families. We want them to be happy with their lives and have more space, food,

water, and shelter. We want them not to be on the endangered list.

Could you please help us by changing the law so that the orcas can have a No Go Zone. We can't change the law because we are kids,

so we are asking **you** to change the law. If the orcas are sick and dying there will be no more orcas. If the orcas' habitat is not healthy

our world is not healthy either. Our world will collapse if we don't take care of our earth. Please help the orcas not be on the endangered list

by making a bigger No Go Zone. They should live in peace like us.

Sincerely,

Mrs. Hertzberg's Third Grade Class
Parkwood Elementary
Shoreline School District
206-368-4150

Dianne Hertzberg
Parkwood Elementary
dianne.hertzberg@shorelineschools.org

Subject: No-Go Zone

From: mattedennis@yahoo.com

Date: Thu, 01 Oct 2009 01:50:08 +0000

To: Orca.Plan@noaa.gov

I totally support the creation of this zone.

I am a sailboater, living in Bellingham, WA. We boaters can live with it--the orcas can't live without it.

Matt Dennis

Sent from my Verizon Wireless BlackBerry

Subject: sustainability of Puget Sound resources
From: walter corbin <wcorbin@rockisland.com>
Date: Mon, 12 Oct 2009 14:19:14 -0700
To: Orca.Plan@noaa.gov

Sadly, long range planning and its lack of the recognition of sustainable ecosystems, has and will continue to create crisis situations. Our legislators and planners must consider ways that will not adversely affect our environment and the creatures that live therein. I hope that this also includes our native Orca population and the food source that it depends on. Please be diligent in your studies and common sense methods of protection. Walter Corbin. Olga WA.

We appose this action

Subject: We appose this action

From: SEA <stevesanders@verizon.net>

Date: Tue, 06 Oct 2009 08:18:41 -0700

To: Orca.Plan@noaa.gov

As an active boater, it has been my experience that recational boater respect the rights of the animals - the whale watching boats however need better supervision.
Steve Sanders

Subject: ORCA RECOVERY PLAN

From: Kim Secunda <ksecunda@centurytel.net>

Date: Thu, 01 Oct 2009 13:11:33 -0700

To: Orca.Plan@noaa.gov

I SUPPORT THE PLAN 100%. THE LESS WE INTERFERE WITH THE HABITAT THE BETTER. PLEASE SEE THAT EFFORTS ARE FOLLOWED UP WITH ENFORCEMENT, THIS IS A WEAK LINK THAT NEEDS TO BE ADDRESSED. PERHAPS SOME MEANS OF COMPENSATION TO DEFRAY THE LOSS OF REVENUE CAN BE A BALM TO THE DISGRUNTLED, RETRAINING/ LAND BASED EDUCATION SUBSIDY....IT REMINDS ME OF THE LOGGING STORY.

ONE BENEFIT OTHER THAN REDUCED STRESSORS TO THE ORCA IS THAT WE WILL BENEFIT FROM IMPROVED SCIENTIFIC DATA WHEN THE VARIABLES ARE REDUCED. IT WILL BE GREAT WHEN WE CAN ADDRESS THE SONIC DAMAGES TOO.

KEEP TO A STRONG PLAN. THE ORCAS BELONG TO THE PLANET NOT TO THE SMALL MINDED SELF INTERESTED ISLANDERS. THE ISLANDS DO NOT HAVE A GOOD TRACK RECORD IN STEWARDSHIP OR MORAL RESPONSIBILITY. WE WILL ALL HAVE TO TIGHTEN OUR BELTS AND WALK UPRIGHT THROUGH THIS - WE ARE IN ECOLOGICAL CRISIS AS YOU KNOW.

THANK YOU

KIM SECUNDA

BEACHWATCHER ,

MARINE NATURALIST

BA ZOOLOGY

MOTHER AND CONCERNED CITIZEN

*PLEASE KEEP THIS CORRESPONDENCE CONFIDENTIAL

kimsecunda21@yahoo.com

Orcas Island 360-376-2510

Subject: Comments on Killer Vessel Rule
From: druscilla keenan <keenan.dru@me.com>
Date: Thu, 14 Jan 2010 19:07:13 -0800
To: Orca.Plan@noaa.gov

Dear Ms. Barre,

I am writing to formally comment upon the Killer Whale Vessel Rule. I fully support the rule and hope for its full adoption. I think it is important to provide killer whales space and peace so that they can hunt and feed undisturbed. I fully support prohibiting vessels from approaching killer whales closer than 200 yards at any time and I fully support the set up of a half mile wide no go zone along the west side of San Juan Island which would prohibit vessels from entering the area between May 1 and end of September. While the tourist boat industry may claim it will negatively impact their businesses, I believe that in the bigger picture, it will not. I believe that all will adjust to the restrictions and won't diminish those interested in seeing orcas. Furthermore, not establishing these rules, there eventually won't be any orcas to see.

Good going--finally some real action to help protect these magnificent creatures. Salmon on which orcas feed are down in numbers. We need to adopt these rules to increase the odds that when orcas hunt for salmon they'll be more successful. That's likely to happen if orcas aren't constantly interrupted by boaters.

If this is not the appropriate venue for comment, please let me know. I do want my comment to be counted. Thanks.

Sincerely,
Druscilla Keenan
330 Dewey Pl. E
Seattle, WA 98112
keenan.dru@me.com

Subject: vessel restrictions
From: carol baisley <carol_baisley@telus.net>
Date: Thu, 14 Jan 2010 20:07:43 -0800
To: Orca.Plan@noaa.gov

Roger Obayashi
Wild Whales Vancouver
1806 Mast Tower Road,
Vancouver, BC, Canada
V6H 4B6

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

January 8, 2010

To Whom It May Concern,

This letter is in response to the proposed new regulations regarding vessel behavior in the presence of resident and transient orcas in Washington State.

My name is Roger Obayashi and I own and manage a whale watching company based in Vancouver, Canada. We have been operating for 6 years and have 15 employees. Our concern is that if these proposals become law we will lose a large part of our business, which may be enough to put us and others under.

I was a commercial salmon fisherman for 30 years. Approximately 15 years ago the federal fisheries biologists here in Canada determined that the decline of salmon on the west coast was due to overfishing, mainly from the commercial sector. Instead of putting their efforts into habitat restoration, changing forestry practices and monitoring the impact of fish farms, they took the easy route and slowly cut back on the commercial salmon fishery along the British Columbia coast. Today, we are faced with a critical decline in salmon stocks and the certain demise of that fishery. Even with no commercial fishery, salmon stocks are at their all time low. Fishery and Oceans' tactic of eliminating a user group and not addressing the core reasons of salmon stock decline has led us to this point, where the return of any healthy runs are decades away, and that is mainly wishful thinking on their part.

Now I am in the whale watching business, and again am faced with the prospect of being pushed out of making a living, because some of you think that by applying a 200 yard viewing distance and other vessel restrictions is the best way to help orcas with their recovery. I see a similar pattern here. Instead of addressing the core reasons, food supply and clean waterways, you are going after whale watchers and vessels in general. We know that "J" pod is doing better than the others as far as increasing numbers, this in spite of the fact that they spend more time amongst the vessels and traffic that you think are contributing to their endangered status. How do you account for that? If

interactions with boats are harmful to orcas shouldn't "J" pod be the least productive? I don't believe that you're so called 'science' ads up, it doesn't make sense. I believe that you are taking the easy route and that your recommendations will not help the orcas at all. Unless you are willing to tackle the real reasons, food supply and habitat, these orcas will be in the same sad state as our salmon stocks.

I suggest that the Be Whale Wise guidelines be made into law and that most of the time, effort and money be spent on salmon enhancement and educating the public. We would be happy to contribute in all of these areas and believe that with all parties working together, we will see a gradual increase in SRKW's numbers. They seem to be doing quite well, as it is, but we do need to ensure that their food supply is plentiful and available. I can not stress that enough.

Sincerely,

Roger Obayashi
Wild Whales Vancouver

Subject: Orca

From: Emily Edwards <crystalenergies@peoplepc.com>

Date: Thu, 01 Oct 2009 22:55:36 -0700 (GMT-07:00)

To: Orca.Plan@noaa.gov

Dear NOAA,

I am writing as a resident of Washington State in regards to the vessel regulations around areas where Orca will be traveling and eating. I very much support more regulations on vessels to help protect and give peace to the Orca.

I do not believe those peoples opinions who have business interests in the area should be taken to be the majority opinion, perhaps the most vocal and present, but not the majority by any means. If fisherman cared for the Orca, they would stop fishing. If whale watching business' cared about the Orca they would happily find another route of making money for even a small chance at helping the Orca recover.

The people of Washington State value the Orca, even those who have never seen them and want for any and all protections to be made for them.

I am happy to hear you are looking at taking this serious step towards protection and hope to see it come to pass.

Sincerely,
Emily Edwards

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

Subject: NOAA Orca Recovery Plan by January 15, 2010
From: ken and suzanne franklin <falcon@rockisland.com>
Date: Thu, 14 Jan 2010 20:32:54 -0800
To: Lynne.Barre@noaa.gov, Orca.Plan@noaa.gov

Dear Lynne

I am a land owner on the West side of San Juan Island just North of Eagle Cove. Over the last 10 summers, but especially the last three, I have watched the commercial whale boats and private boats alike consistently disregard the Orca set back rules. I have also watched an increase in the NUMBER of boats following (pursuing) the whales from about 9am to 7pm. It is chaos on the water.

Please address the issue of pursuit. It is pursuit when a company guarantees they will find whales, hires an airplane to locate them and then finds and "follows" them for their paying passengers. Pursuit is illegal.

Please address the number of commercial boats allowed to "whale watch". If you are actually working on mitigating the sonar interference that vessel noise creates, then you need to address the number of boats allowed to "watch" the whales. What is to prevent 10 more commercial boats from joining the "whale watching industry, or 20 or 50? There are currently no restrictions. I would suggest limited entry permits be issued, for a fee.

Please address enforcement. The commercial industry cannot be in charge of setting "the guidelines" as they claim they do. Neither can Sound Watch, which is not an unbiased operation. I would suggest commercial companies be made to hire unbiased, trained enforcers who will fine them when rules are breached.

Please insist on adequate setback. **Because the whales do not travel/hunt in a linear line, even at a setback of 200 yards, it is virtually impossible to stay far enough away from them to not interfere with their hunting.** This why we need setbacks of 400 yards or more which will accommodate the whales random pattern of hunting. Give them the space they need.

I attended two out of the three public meetings held by NOAA regarding the Orca Recovery Plan, and I felt the pressure put on you by the commercial whale watch industry and private fisherman to modify your proposed set backs. Please do not buckle to their pressure. This is not a democratic vote. The whales are on the endangered list because they are endangered. Please be strong.

Sincerely,

Suzanne Franklin

San Juan Island

Subject: San Juan Island Area Closure
From: Norm Lemberg <bakerbay2@hotmail.com>
Date: Fri, 02 Oct 2009 12:01:54 -0700
To: Orca.Plan@noaa.gov

Asst. Regional Director,

I'm in favor of the closure. Relative to the overall summer range of these animals, the proposed closure area off southern San Juan Island is relatively small. If it affords them some degree of separation from the gaggle of boats usually surround them all summer, so much the better. To be effective it must exclude all boating activity.

Sincerely,

Norm Lemberg

Insert movie times and more without leaving Hotmail®. [See how.](#)

Subject: proposed vessel regulations for Orca Whales
From: Sharon Collins <srcollins47@hotmail.com>
Date: Mon, 11 Jan 2010 18:35:16 -0800
To: Orca.Plan@noaa.gov

Dear NOAA,

I want to fully support these regulations.

As an Orcas Island, Wa. resident, I have seen first hand how intrusive the tourist season is on the Orca whales. The stress of an onslaught of boats was even too much for me. This effects their lives in many different ways including whether they starve or not.

My hope is that these vulnerable beings are fully protected and that generations after me will be able to be in awe as I am.

Perhaps even more stringent rules and regulations apply here!!

Sharon R. Collins

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

Please design the strictest regulations to protect whales from boats!

Subject: Please design the strictest regulations to protect whales from boats!

From: Elise Koncsek <eliselk@gmail.com>

Date: Mon, 11 Jan 2010 19:58:53 -0800

To: Orca.Plan@noaa.gov

My family owns a recreational boat and I enjoy watching whales, but I know there are plenty of ways to enjoy boating without interfering with whale populations and they are often easily visible for watching from public shoreline park lands on Vashon and the main land.

Please design the strictest regulations to protect whales from all vessels, including prohibition of vessels of any kind from coming within 200 yards of the whales or deliberately intercepting or parking in their path and the creation of a half-mile-wide no-go zone along the west side of San Juan Island from May through the end of September where no vessels would be allowed.

Thank you,
-Elise Koncsek
98115

Subject: Support protecting whale habitat

From: A Brown <arlene8693@yahoo.com>

Date: Mon, 11 Jan 2010 20:51:09 -0800 (PST)

To: Orca.Plan@noaa.gov

Regarding protecting whales ffrom vessels at your
site<http://www.nwr.noaa.gov/Publications/FR-Notices/2009/upload/74FR53454.pdf>

I support the proposed vessel restrictions. If I had more time I'd probably propose additional words. I consider a jet ski a vessel but not sure this makes that clear.

Protections have helped whales in Maui and they are needed here as well. In the long run it is best even for business, not just the whales.

Thank you
A. M. Brown
239 Sw 189th PL
Normandy Park, WA 98166

Subject: Proposed Orca Protective Regulations

From: steve <jsonvash@centurytel.net>

Date: Mon, 11 Jan 2010 21:34:13 -0800

To: Orca.Plan@noaa.gov

Orcas are wild creatures and need their space. The proposed regulation requiring boaters to stay at least 200 yards from Orcas and not parking in their path is a great positive step forward toward their protection. We are in total agreement with these proposed regulations.. We also are in favor of the proposed no-go zone on the west side of San Juan Island.

Steve Andrus
Jean Andrus
8901 SW 274th Street
Vashon, WA 98070

Subject:**From:** mary ellen <ellenmary@hotmail.com>**Date:** Tue, 12 Jan 2010 17:31:42 +0000**To:** Orca.Plan@noaa.gov

I strongly support your proposed regulations to prohibit vessels from coming close or intercepting the whales' path, and assigning a May-Sept zone along west San Juan Island where vessels would not be allowed.

Thank you very much for your efforts to protect the orcas.

Mary Ellen Walker
6431 Sand Point Way NE
Seattle WA 98115

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Subject: Proposed regulations on vessels to protect orcas
From: Martha Hall <kingfish@fidalgo.net>
Date: Fri, 25 Sep 2009 13:57:15 -0700
To: Orca.Plan@noaa.gov

To: NOAA
Comments on the proposed regulations
October 25, 2009

I support all of the proposed regulations. The science clearly tells us the vessels are changing the behavior of the orcas. I don't think NOAA has any choice but to act and address this issue. NOAA is mandated to increase protection for this endangered species. Vessels are disturbing the orca whales. Science tells us that 100 yards is too close. It really suggests that even 400 yards might be too close. I believe selecting 200 feet is probably not providing the protection the whales need. I hope that is just a start until there is more research on the 200 foot rule success or failure.

Because of a rowdy, discourteous mob of sports fishermen, the NOAA hearing in Anacortes on October 24, 2009 did not allow public comment. I don't know if this meeting needs to be redone with proper mob control or what. But many of us were there to give statements and were not allowed to since the mob ran the meeting. Perhaps police are needed. It certainly reflected poorly on their group. But the bottom line is that the rest of us were unable to testify.

As a recreational boater, I am terribly upset by the huge collection of boats that follow the orcas day after day. I don't have to be a scientist to know this must be stressing orcas and making it difficult for them to feed. I can't believe this is still legal and happening after the listing as endangered. Something needs to be done. We sail a lot in the San Juans and we now avoid any whale area because it is so upsetting seeing what is done to the whales by all of the vessels.

I am sure you have a count of how many commercial whale watching boats are on the water. It is unbelievable. Limits have to be set on this. How many does just Prince of Whales send out of Victoria everyday? I believe NOAA needs to limit the number of licenses given for whale watching boats.

I have watched whales from 200 yards and it was exciting. I don't believe the commercial whale watching operators who say anything over 100 feet would put them out of business. We always near this when someone tries to change a rule. They are also very short-sighted because when the whales are gone so will be the commercial whale watchers. How long do they have? Regardless, the science clearly states that 100 yards is too close. Even 200 yards isn't adequate to really protect the whales.

Why are commercian fishermen exempt from the No Go Zone? I believe this is wrong since they have a major impact. I support the No Go Zone but I feel it really needs to be just this, a No Go Zone, which means everyone except people who live right there and need to access their property.

There must be some other place the sport fishermen can fish than in the No Go Zone. I cannot believe their selfishness in not wanting to give up one small area to benefit an endangered species. I think the whales' survival is far more important than the desire of a few fishermen to recreate in that one small No Go Zone.

Martha Hall
kingfish@fidalgo.net
2617 16th St
Anacortes, WA 98221

Subject: ORCA PLAN

From: Sharon Stroble <sestroble@mac.com>

Date: Fri, 25 Sep 2009 14:08:20 -0700

To: Orca.Plan@noaa.gov

I totally support all three NOAA proposals to protect endangered Orcas in Puget Sound. We need these protections. DO NOT EXEMPT COMMERCIAL FISHERMAN. I would also like to see some protections from SONAR. I am a kayaker who regularly paddles the San Juan Islands.

SHARON STROBLE
2246 12th ave West
Seattle, WA 98119

Subject: PROPOSED ORCA PROTECTIONS

From: Sharon Stroble <sestroble@mac.com>

Date: Sat, 26 Sep 2009 15:42:47 -0700

To: Orca.Plan@noaa.gov

In addition to the three proposed Orca protections, I would add, (1) do not exempt commercial fishermen (2) limit the number of whale watch boats in an area - there are just too many on a regular basis (3) consider the threat of sonar.

Orca need and require all the help we can provide in order to survive their numerous threats. I kayak the San Juans regularly and have seen the problems.

SHARON STROBLE
2246 12TH AVE. WEST
SEATTLE, WASH. 98119

Subject: Comment on vessel rule to protect killer whales
From: Christine Psyk <kryszka2@gmail.com>
Date: Sat, 09 Jan 2010 12:12:23 -0800
To: Lynne.Barre@noaa.gov

Dear Ms. Barre, I am writing to formally comment upon the Killer Whale Vessel Rule. I fully support the rule and hope for its full adoption. I think it is important to provide killer whales space and peace so that they can hunt and feed undisturbed. I fully support prohibiting vessels from approaching killer whales closer than 200 yards at any time and I fully support the set up of a half mile wide no go zone along the west side of San Juan Island which would prohibit vessels from entering the area between May 1 and end of September. Good going--finally some real action to help protect these magnificent creatures. Salmon on which orcas feed are down in numbers. We need to adopt these rules to increase the odds that when orcas hunt for salmon they'll be more successful. That's likely to happen if orcas aren't constantly interrupted by gawking tourists and recreational boaters.

If this is not the appropriate venue for comment, please let me know. I do want my comment to be counted. Thanks.

Christine Psyk
2104 E. Thomas
Seattle, WA 98112
206-329-0979

Subject: Proposed Orca Protective Regulations

From: steve <jsonvash@centurytel.net>

Date: Mon, 11 Jan 2010 11:43:22 -0800

To: Orca.Plan@noaa.gov

Orcas are wild creatures and need their space. The proposed regulation requiring boaters to stay at least 200 yards from Orcas and not parking in their path is a great positive step forward toward their protection. We are in total agreement with these proposed regulations.. We also are in favor of the proposed no-go zone on the west side of San Juan Island.

Steve Andrus
Jean Andrus
8901 SW 274th Street
Vashon, WA 98070

Subject: YES, ELIMINATE ALL traffic around whales ...
From: Tom Hicks <idowebs@yahoo.com>
Date: Fri, 18 Sep 2009 07:40:57 -0700 (PDT)
To: Orca.Plan@noaa.gov

Hello,

I vote *****YESSSSSS***** limit ALL traffic around any whales.

Here is my first horror story experience see Orcas at Point Roberts and the letter I sent to the bogus do nothing site BeWhaleWise.

I hope to NEVER see the Orcas again because I am not into animal or other abuse on an individual or mass human basis.

VERY SHAMEFUL situation.

I was a kayaker and had to leave the area because of the human insanity.

Hello,

I was at Point Roberts on Saturday September 12 at approximately noon.

I was kayaking north along the west edge of the penninsula heading for the Canadian border.

I heard noise even with my hearing protection. The sounds came from whales heading south around the point.

I had never seen the the Orcas before. So I paddle as fast as I could back to the boat launch area at Lighthouse Point Park. I climbed out of the kayak on to the shoreline to watch what I describe as a joyful showing of nature and sorrowfull scene like the 1951 movie "The Big Carnival".

Point Roberts built a GIAN marina in the path of the whales and has no stop light or other warning system to let boaters and other onlookers like out of "Close Encounters of the Third Kind" looking for spaceships, to stop and stay clear.

Instead many, many, many boats and boaters, small and large craft RACED around the area at full speed in total disregard and disrespect for the whales and their own safety.

As a first time observer I assume the environmental statements for building the

marina etc. condo such behavior that I would think would threaten the whales.

I must be wrong. If the so called killer whales did not get titnitus from the noise or killed by the insanity must enjoy the chaos, company, otherwise they would pull off an "Animal Farm" event and take out the intruders.

Your website is lacking and any protection of the whales is s farce.

With technology today if there was really any sincere interest in protecting the whales or other things on this planet there the power at our fingertips and in our minds would offer better solutions, like posting the videos, pictures and sound of the eco-terrorist lemmings on their ramage at Point Roberts.

Shameful.

I was appalled. The noise the conditions were such I had to leave the beach area and return to the campground.

Like I say, I think the whales enjoy the eco-terrorism company otherwise ...

I loved it when the onlookers RAN to the water screaming "I want to touch it" as a baby seal tried to get on the beach.

What a "f" ing joke.

Good luck.

I assume you all make bucks sucking up the system doing nothing because number one the boaters manufacturers, marina etc. are worth more bucks then the whales.

Sick. Very sick.

Tom H
spam email is:
idowebs@yahoo.com

Subject: PUBLIC comment ON FEDERAL REGISTER
From: jean public <usacitizen1@live.com>
Date: Fri, 18 Sep 2009 12:13:19 -0400
To: Lynne.Barre@noaa.gov, Orca.Plan@noaa.gov
CC: americanvoices@mail.house.gov

VESSELS SHOULD BE MANDATED TO STAY 1/2 MILE FROM ANY WHALE. VIOLATORS OF THAT LAW SHOULD GET A MILLION DOLLAR FINE FOR A FIRST OFFENSE. ALL OF US ARE SICK OF THE WAY WHALES LIVES ARE BEING IMPACTED BY THE VESSELS THAT HARASS THEM CONSTANTLY FOR MONEY AND GREED OR TO KILL.
JEAN PUBLIC 15 ELM ST FLORHAM PARK NJ07932

> Date: Thu, 17 Sep 2009 07:10:20 -0700
> From: jeanpublic@yahoo.com
> Subject: comment
> To: usacitizen1@live.com
>
> [Federal Register: September 17, 2009 (Volume 74, Number 179)]
> [Notices]
> [Page 47779-47780]
> From the Federal Register Online via GPO Access [wais.access.gpo.gov]
> [DOCID:fr17se09-21]
>
> -----
>
> DEPARTMENT OF COMMERCE
>
> National Oceanic and Atmospheric Administration
>
> RIN 0648-AV15
>
>
> Public Meetings on Protective Regulations for Killer Whales in
> the Northwest Region Under the Endangered Species Act and Marine Mammal
> Protection Act
>
> AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and
> Atmospheric Administration (NOAA), Commerce.
>
> ACTION: Proposed rule; notification of additional public meeting.
>
> -----
>
> SUMMARY: We, the National Marine Fisheries Service (NMFS) are issuing
> this notice to advise the public that NMFS is adding an additional
> public meeting regarding proposed regulations under the Endangered
> Species Act and Marine Mammal Protection Act to prohibit vessels from
> approaching killer whales within 200 yards and from parking in the path
> of whales for vessels in inland waters of Washington State. The
> proposed regulations would also prohibit vessels from entering a
> conservation area during a defined season. The proposed rule was
> published July 29, 2009, and includes information on two public
> meetings. We are issuing this notice to announce a third public meeting

Subject: Orcas

From: Larry Partridge <lars783ft@verizon.net>

Date: Tue, 22 Sep 2009 11:14:09 -0700 (PDT)

To: Orca.Plan@noaa.gov

Several years ago I was a pilot with The Flying Tiger Line. Working with Sea World, when it was more of a research institute with a few side shows featuring marine mammals. Also involved was Scripps Marine Institute.

When animals were in need of transport, I was the captain in charge of the flights to Cleveland, Orlando, once to Alaska and the far east. I was responsible for developing special techniques to minimize risks and maximize the comfort of the critters ... especially the orcas in their large tanks of ice water.

Once, Sea World bought fourteen false killer whales from Japanese fishermen who had trapped the group in a small inlet on Kyushu, Japan. My crew and I flew non-stop from San Francisco to Fukuoka where these creatures were loaded onto our special DC8-63. We proceeded, again non-stop, to San Diego. Landing on that short runway with open tanks of "fish" in ice water was daunting, to say the least.

After the successful return to earth, the Sea World man in charge, a Dr. N, came into the cockpit and slapped me on the shoulder. "Not a drop! Wonderful!"

The "fish" as they called them, were about as happy as they could be.

Anyway, I am quite familiar with these wonderful creatures and their personalities.

During this period in time, my Brother-in-law and I were bottom fishing off the south end of Henry Island. It was slack tide so we had no anchor set as we slowly drifted with the engine shut down. An excited group of small Orcas quickly surrounded us and a large pair surfaced about fifty feet away. As these two seemed to be in the act of foreplay, I snipped our lines to avoid snagging someone. Sure enough, they proceeded to do their thing.

At this time a boat marked as from The Whale museum at Friday Harbor stopped about 200 yards away and the idiot skipper with a loud megaphone ordered us to get away from the Orcas. We did have a hailer but I didn't want to make noise in our situation. We just ignored the jerk while hoping the Orcas would ignore us. No way were we going to start our engine in this pair's bedroom.

My point is that I would be pleased to hear you are including common sense in your rule making.

Thank You for your efforts while protecting our Orcas.

Sincerely,

Larry Partridge

La Conner

lars783ft@verizon.net

Subject: proposed killer whale vessel regulations

From: Lael Camacho <lacamacho@comcast.net>

Date: Wed, 13 Jan 2010 20:59:08 -0800

To: Lynne.Barre@noaa.gov

Dear Lynne: I am in favor of the proposed regulations to keep whale watching boats 200 yards away from the whales and not allow them to park in the path of oncoming orcas. I also like the no-go zone proposal. Lael Camacho, 15917 181st Pl. NE, Woodinville, WA 98072, 206-245-4002.

Subject: Proposed vessel guidelines
From: Candace Calloway Whiting <cmcwhiting@gmail.com>
Date: Thu, 14 Jan 2010 21:44:40 -0800
To: Lynne.Barre@noaa.gov

Hi Ms. Barre,

The following is what I wrote for a blog, and expresses my thoughts on the regs. Please keep up the good work, I know it must be hard but for what it's worth, I support what you are attempting to do.

Thank you,
Candace Calloway Whiting

We are being asked to give the local population of orcas a lot more room – room to forage for fish, to swim and interact with each other, to be free of our close proximity –the equivalent of *two football fields length (200 yards)* of room - and it is hard to imagine. We are accustomed to being able to see the whales at a much closer distance, and at times to see them swim around and under our boats – so these proposed regulations seem like a big change.

Yet, almost anywhere else where we go to view nature in the wild we expect to have to maintain our distance. Through experience, we know that most wild animals will not allow us to get too close to them. Moreover, the times when they do allow us to get close, most likely the animals are keeping a careful eye on us – and so we are no longer observing their natural behavior and learning what it is that makes them fit so uniquely in the world.

We offer protection for wildlife - we set aside tracts of land, and where necessary we build bridges, tunnels, or fish ladders to help animals navigate the structures that impede their ability to survive. And we compensate for the difficulties of wildlife viewing – we try to be as quiet and unobtrusive as possible while enhancing our ability to see them through the use of powerful binoculars and spotting scopes.

And although we may feel inconvenienced by having to set aside a seasonal refuge for the orcas and by the increased viewing distance, they do deserve the protection that we grant to other species.

A positive aspect to this is that our whale watching adventures can be enhanced because we will more fully appreciate how the whales behave when not surrounded by our boats. In addition, the creation of a seasonal refuge will impact other species – we may find that marine mammals (such as Harbor porpoises) and seabirds will also use the area more fully, and our whale watching trips will be further enriched.

On the downside, I feel that the proposed regulations have been painted with too broad a brush and hopefully some adjustments can be made before being adopted. Although I understand the logic behind the decisions to apply the rules equally to power boats and kayaks, for example, I think this penalizes those people who wish to find alternatives, and discourages innovation. The blanket rules provide no incentives for responsible viewing nor do they provide a way to enforce the regulations that I was able to see. And I am perplexed by the fact that the refuge as planned does not include the preferred rest areas of the orcas, as defined by NMFS in their documents.

With neither carrots (incentives for responsibility) nor sticks (enforcement), we could very well wind up with a situation in which the only people approaching the whales are those in private boats with loud engines – a group that is already acknowledged to be the worst offenders, and these things will have to be addressed.

Please do contact NMFS with your thoughts and concerns, and plan to attend the public meetings if possible.

The government is considering enacting the following regulations in order to enhance the recovery of our locally endangered population of orcas (please see [previous posts](http://blog.seattlepi.com/candacewhiting/) for details):

Most boats will be required to stay 200 yards away from of any killer whales in the inland waters of Washington.

A restricted zone along the west coast of San Juan Island extending a half a mile out will be established in which most boats will be prohibited from entering between May 1st and September 30th, starting in 2010.

Intercepting the path of any killer whale in inland waters of Washington will be prohibited.

Subject: Proposed vessel guidelines
From: Candace Calloway Whiting <cmcwhiting@gmail.com>
Date: Thu, 14 Jan 2010 21:44:40 -0800
To: Lynne.Barre@noaa.gov

Hi Ms. Barre,

The following is what I wrote for a blog, and expresses my thoughts on the regs. Please keep up the good work, I know it must be hard but for what it's worth, I support what you are attempting to do.

Thank you,
Candace Calloway Whiting

We are being asked to give the local population of orcas a lot more room – room to forage for fish, to swim and interact with each other, to be free of our close proximity –the equivalent of *two football fields length (200 yards)* of room - and it is hard to imagine. We are accustomed to being able to see the whales at a much closer distance, and at times to see them swim around and under our boats – so these proposed regulations seem like a big change.

Yet, almost anywhere else where we go to view nature in the wild we expect to have to maintain our distance. Through experience, we know that most wild animals will not allow us to get too close to them. Moreover, the times when they do allow us to get close, most likely the animals are keeping a careful eye on us – and so we are no longer observing their natural behavior and learning what it is that makes them fit so uniquely in the world.

We offer protection for wildlife - we set aside tracts of land, and where necessary we build bridges, tunnels, or fish ladders to help animals navigate the structures that impede their ability to survive. And we compensate for the difficulties of wildlife viewing – we try to be as quiet and unobtrusive as possible while enhancing our ability to see them through the use of powerful binoculars and spotting scopes.

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On the downside, I feel that the proposed regulations have been painted with too broad a brush and hopefully some adjustments can be made before being adopted. Although I understand the logic behind the decisions to apply the rules equally to power boats and kayaks, for example, I think this penalizes those people who wish to find alternatives, and discourages innovation. The blanket rules provide no incentives for responsible viewing nor do they provide a way to enforce the regulations that I was able to see. And I am perplexed by the fact that the refuge as planned does not include the preferred rest areas of the orcas, as defined by NMFS in their documents.

With neither carrots (incentives for responsibility) nor sticks (enforcement), we could very well wind up with a situation in which the only people approaching the whales are those in private boats with loud engines – a group that is already acknowledged to be the worst offenders, and these things will have to be addressed.

Please do contact NMFS with your thoughts and concerns, and plan to attend the public meetings if possible.

The government is considering enacting the following regulations in order to enhance the recovery of our locally endangered population of orcas (please see <http://blog.seattlepi.com/candacewhiting/> previous posts for details):

Most boats will be required to stay 200 yards away from of any killer whales in the inland waters of Washington.

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Intercepting the path of any killer whale in inland waters of Washington will be prohibited.

Comment on Vessel Regulation.eml

vessel restrictions regarding Orca, West side of San Juan Island.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 NOAA-F Comments Jan 2010.docx

killer whale regulations.eml

PUBLIC SUBMISSION

As of: February 01, 2010
Received: August 06, 2009
Status: Pending_Post
Tracking No. 80a00f81
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-0008

Comment from Ana Corona

Submitter Information

Name: Ana Corona

Address:

2371 N Peru St

Los Angeles, CA, 90039

Email: acorona86@gmail.com

General Comment

I never had any idea that these vessels and whale watching activities had such an impact on killer whales and other animals. Mainly because no one ever mentions it to us. This proposed rule should pass to protect the species and avoid the risk of becoming extinct. The more we expose these animals to our man made materials, the more they are dying. Although whale watching is an activity enjoyed by many, at what price are we willing to enjoy it? If we don't stop doing careless things like these we aren't going to have much to look for in the near future. Nature in itself is beautiful, along with everything that comes with it, but if we don't take a stand and take care of our planet and the extravagant species we encounter, there will be nothing left but us and a lifeless planet.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: August 06, 2009
Status: Pending_Post
Tracking No. 80a00f82
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-0009

Comment from Ana Corona

Submitter Information

Name: Ana Corona

Address:

2371 N Peru St
Los Angeles, CA,

General Comment

The passing of this proposed law would be beneficial to our future and planet. Slowly we are killing mother nature and its many gifts that comes along with it. Be passing this proposed rule, we would speak up for the innocent animals whose lives are taken away thanks to our man made materials and assetts. The killer whales are already endangered, and by us whale watching and sailing close to their areas of residency we are contaminating them and causing them fatal injuries. Since they cannot stand up for themselves, we as humans need to think of the fact that we are killing everything beautiful around us, and everything that makes planet Earth our home. We reside in this planet not to overpower and kill everything, but to share it with those that were here before us all.

Subject: proposed killer whale vessel regulations
From: Lael Camacho <lacamacho@comcast.net>
Date: Wed, 13 Jan 2010 20:59:08 -0800
To: Lynne.Barre@noaa.gov

Dear Lynne: I am in favor of the proposed regulations to keep whale watching boats 200 yards away from the whales and not allow them to park in the path of oncoming orcas. I also like the no-go zone proposal. Lael Camacho, 15917 181st Pl. NE, Woodinville, WA 98072, 206-245-4002.

Comment on Vessel Regulation.eml

vessel restrictions regarding Orca, West side of San Juan Island.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 NOAA-F Comments Jan 2010.docx

killer whale regulations.eml

San Juan vessel regulation comments.eml

Proposed Killer Whale Vessel Regulations.eml

comment on Proposed Killer Whale Vessel Regulations..eml

Subject: 200 yard buffer
From: Vern Brown <vern@vernbrown.com>
Date: Thu, 14 Jan 2010 23:17:46 -0800
To: Lynne.Barre@noaa.gov

Surely our recreational wants shouldn't trump the orcas' needs.
As Chris Rock says " Leave them the heck alone." or words to that effect.
One kayaker's opinion.
Vern Brown

Comment on Vessel Regulation.eml

vessel restrictions regarding Orca, West side of San Juan Island.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 NOAA-F Comments Jan 2010.docx

killer whale regulations.eml

San Juan vessel regulation comments.eml

Proposed Killer Whale Vessel Regulations.eml

comment on Proposed Killer Whale Vessel Regulations..eml

PUBLIC SUBMISSION

As of: February 01, 2010
Received: September 14, 2009
Status: Pending_Post
Tracking No. 80a2270c
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-0017

Comment from Brad Wellman

Submitter Information

Name: Brad C Wellman

Address:

Bellingham, WA,

Organization: Private

General Comment

I have been observing the Southern Resident orca pods (J-K-L) for over 30 years. I worked for one of the first whale watch businesses based in Bellingham back in the late 1970's through the 1980's

In addition to the loss of their food source, salmon, caused by logging and other human activities, I also feel that whale watching must be more rigorously regulated by extending a buffer of at least 200 yards. Most commercial whale watch boats do a good job obeying the 100 yard buffer but I do see some Zodiac style commercial (and other low profile) boats push the limit due to their low profile. They feel they have to get close to the whales as their customers are literally at water level which makes it more difficult to see the whales. Individual pleasure boaters are the worse offenders and would be better controlled if there was more enforcement around the whales.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: September 04, 2009
Status: Pending_Post
Tracking No. 80a1cb42
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-0015

Comment from Deborah Silverman

Submitter Information

Name: Deborah S Silverman

Address:

25 Garry Oak Lane

Friday Harbor, 98250

Email: deborahsilverman@centurytel.net

Phone: 360 378-6327

General Comment

This is an excellent idea. I have personally watched boats harassing whales and speeding to get closer to a pod. There is some very childish behavior out there in the water. I am in favor of the regulation.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: September 03, 2009
Status: Pending_Post
Tracking No. 80a1ac96
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-0014

Comment from Bibi Buchanan

Submitter Information

Name: Bibi Buchanan

Address:

25 The Esplanade

Toronto, Ontario, Canada, M5E 1W5

Email: bbuch2007@yahoo.ca

General Comment

We need to protect these majestic beings!

Subject: SRKW comment
From: Ardi Kveven <orcardi@gmail.com>
Date: Fri, 15 Jan 2010 18:10:19 -0800
To: Lynne.Barre@noaa.gov

Hey Lynne,
I got this returned from the orcalist email. thanks

This population needs to have every effort made to protect them from extinction. Regardless of whether or not the no approach zone expands from 100m to 200m, I would advocate for enforcement. With fewer than four citations issued, the expansion is a mute point if there are no teeth behind it. Though the Whale Watch Association criticized the best available science (and then provided their own "surveys" of how their clientele would not come if they couldn't get close), there will be no whale watching if there are no whales. The whale watching industry originated after a collapse in commercial salmon fishing in the Salish Sea. Creative, flexible thinkers came up with a way to earn money on the water with the vessels they owned by transitioning from fishing to whale watching. It's time they apply that same industriousness to helping the species they watch. Humans are notorious for driving every large mammal extinct and we fail to learn from previous extinctions. By only valuing the Southern Residents economically to preserve an industry that is contributing to their extinction is extremely short sighted.

Thank you,

--
Ardi Kveven

--
Ardi Kveven

Comment on Vessel Regulation.eml

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

PUBLIC SUBMISSION

As of: February 01, 2010
Received: August 22, 2009
Status: Pending_Post
Tracking No. 80a0feef
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-0010

Comment from brett williams

Submitter Information

Name: brett williams

General Comment

We used to kill them. we used to capture them. We currently chase to view them. Very hard to control and avoid vessel whale interactions since the killer whales movement is so unpredictable. As long as whale watching Boats are on scene, whale disturbance will continue. Even the most diligent whale watch operator risks putting himself outside the rules because the unprdictable nature of these whales. Removing organized whale watching would leave only the chance encounter. Maybe the public is educated enough and the days of whale watching is no longer nesenary?

Subject: Public Comment: Proposed Vessel Regulations
From: Jared Smith <jaredsmith1@gmail.com>
Date: Mon, 16 Nov 2009 06:11:40 -0500 (EST)
To: Orca.Plan@noaa.gov

NOAA Orca Recovery
NOAA

Dear NOAA and Director Jan Lubchenco,

Although vessel operational changes are part of the solution, it still is evident that NOAA/NMFS continues to delay on more critical actions that are needed to protect and recovery Puget Sound's iconic and beloved endangered orca whales, such as: restoration of salmon runs through removal of dams; restoration of habitat, land use restrictions, water quality improvements and changes in harvest and hatchery practices; reduction of toxic pollution that impacts the food web; and reduction of noise impacts from sonar and other activities.

Until these fundamental problems are addressed by NOAA/NMFS, the orca population will cease to exist in the decades ahead.

With regard to the vessel proposal, I support the distance (200 yards) and no intentional parking in the path of traveling whale and the concept of a "no-go zone" on the west side of San Juan Island. Enforcement is a key pragmatic and fairness issue that should be addressed regarding both existing and proposed regulations. Without a much-improved strategy for education and enforcement, it makes no sense to increase restrictions. One of the major vessel issues is inappropriate and harassing behavior by recreational boaters who are apparently unaware even of the existing limits.
For the orcas!

Jared Smith
Evergreen Housing
Box 60145
Olympia, WA 98505

Subject: proposed regulations
From: Lyn Bishop <lynsbishop@verizon.net>
Date: Tue, 17 Nov 2009 13:00:28 -0600 (CST)
To: Orca.Plan@noaa.gov

Hello,

I wish to express my strong support for the proposed regulations that would double the distance boaters keep between their vessels and orcas. Pollutants and lack of prey are more complex problems that affect orca health and need to be dealt with. However, regulating vessel traffic is a first step in bringing our orcas back from the brink.

Sincerely,

Lyn Bishop
12343 Bayview Cemetery Road
Mount Vernon, WA 98273

PUBLIC SUBMISSION

As of: February 01, 2010
Received: October 26, 2009
Status: Pending_Post
Tracking No. 80a4c533
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-0026

Comment from Daniel Richman

Submitter Information

Name: Daniel Richman

Address:

916 W Campus Ln

Goleta, CA, 93117

Email: usa@danielrichman.com

General Comment

I support the proposed regulations.

Subject: Increasing distance for whale watch boats

From: sharon <sharonlaurel@comcast.net>

Date: Thu, 24 Dec 2009 10:39:22 -0800

To: Orca.Plan@noaa.gov

Thank heavens something will be done to increase the distance boats must keep from the orca pods. These businesses say they play a role in educating the public on these iconic creatures of the Puget Sound; perhaps they do to some extent, but they do much harm in demonstrating that constant pursuit of an endangered species is acceptable. Thank you NOAA for the science and courage you've shown in your proposal to increase these distances.

Sharon Laurel

Subject: NOAA Orca / Vessel Regulations
From: Thomas Mueller <tomlovesgretchen@mac.com>
Date: Tue, 05 Jan 2010 17:37:12 -0800
To: Orca.Plan@noaa.gov

Dear NOAA Team:

Thank you so much for recognizing that we must do many things to help the Southern Resident Orcas--cleaning up our waters, restoring salmon runs, and providing the orcas with a harassment-free environment in which to hunt! Kudos for proposing stricter vessel regulations (1/2 mile no-go zone and 200 yards away)--this may not be the only reason our orcas are in crises, but research shows that vessels do interfere with the orcas' ability to hunt and eat. Your new regulations are much needed, and will help!! Thanks for taking this great step!!

Tom & Gretchen Mueller
Friday Harbor & Seattle WA

PUBLIC SUBMISSION

As of: February 01, 2010
Received: November 08, 2009
Status: Pending_Post
Tracking No. 80a53cf1
Comments Due: January 01, 0001
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-2008-0327-0008

Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act- Extension of Comment Period

Document: NOAA-NMFS-2008-0327-DRAFT-0030

Comment from Samantha Apgar

Submitter Information

Name: Samantha Elizabeth Apgar

Address:

Gettysburg, PA,

General Comment

The protective regulations for Killer Whales in the Northwest Region should be passed and put into action. The recent significant decline in the population of Killer Whales is very alarming. The regulations list prohibiting boats from approaching Killer Whales within 200 yards and from parking in

the path of whales for boats in waters of Washington State should be set into action. The added regulation of prohibiting boats from entering a conservation area during a defined season should also be implemented. The fact that the first insight into why the Killer Whale population has declined so rapidly is due to boat disturbance and noise pollution is a potential threat that should be stopped right away in order to hopefully prevent any further decline in the whale population. It is very important that these regulations are put into action very quickly, so that the chance of the whale populations rebounding is increased. Marine traffic is often a key reason for why marine populations decrease, one example being the Manatee. Therefore I urge you to immediately take proactive steps in halting the potential cause of the decline of the Killer Whale populations regarding the boating traffic in areas where whales are located. Being on the path to losing another species is a path that we do not want to be traveling along.

Subject: Review of new Orca Protection Regs
From: Bill Heston <bheston@cedargroveinv.com>
Date: Wed, 28 Oct 2009 09:01:00 -0700
To: Orca.Plan@noaa.gov

I reviewed the new proposed regulations and find them acceptable and encouraging. As a resident of the San Juans and a frequent boater I thought you might appreciate additional comments.

In regard to the 200 yard rule, there are times when a boat does not see the whales and may steam closer than that without knowing. I am not sure how you deal with this, given that some may say this but in reality they might have. The other is obviously that many boaters shut off their engines and the whales end up swimming around a boat for quite some time. As the whales are often not heading in a singular direction this could easily be interpreted later as purposeful. The solution might be to have the now stationary vessel not turn engines on and move until the whales are more than 200 yards away and the move in the opposite direction of the whales as best as possibly determined.

The closure of the areas around the shoreline I find to be entirely acceptable.

My major concerns rest with the enforcement of these rules especially as it relates to commercial whale watching enterprises both from the US and Canadian waters. I have ROUTINELY seen these vessels flaunt and abuse the current rules at the same time approach passing vessels and order them to leave the area even though they are far from the whales. These operators are INHERENTLY motivated to get as close to the whales as possible to create an exciting experience for their customers. At the same time they are very effective at working the politics of the system/enforcement operations to their advantage. They will be threatened by these Regs., but will work to create protections for their businesses. Watch out!

Further, the Treaty exception seems to allow a TOTAL exception for treaty fishing. I find this to be absurd. Are there no limits on the Treaty rights? I personally have witnessed treaty right members maximize beyond any reasonable quota their catch of salmon, shellfish, crabs and shrimp every single year to the point that these resources are barely surviving in the islands and the non treaty members have barely any harvest. I guess the treaty members will get the very last of the harvests in a few years.

Respectfully Submitted,

Bill Heston

PUBLIC SUBMISSION

As of: February 01, 2010
Received: November 08, 2009
Status: Pending_Post
Tracking No. 80a53d56
Comments Due: January 01, 0001
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-2008-0327-0008

Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act- Extension of Comment Period

Document: NOAA-NMFS-2008-0327-DRAFT-0029

Comment from Paula Eichner

Submitter Information

Name: Paula Marie Eichner

Address: United States,

General Comment

I think that this rule is very important. i think that the government should be active in protecting wildlife. This rule is important to help save the killer whales from boats and other human activity. This rule should be passed because animals are very important to our world and humans should avoid ways that interfere with their natural habitat. By restricting where boats can and cannot go is fair because it would disrupt the whales in their homes or lead to increased death rate in the whales, which is not okay. This rule is an important idea to get passed.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: November 08, 2009
Status: Pending_Post
Tracking No. 80a53b71
Comments Due: January 01, 0001
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-2008-0327-0008

Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act- Extension of Comment Period

Document: NOAA-NMFS-2008-0327-DRAFT-0028

Comment from Stephanie Martinez

Submitter Information

Name: Stephanie Martinez

Address: CA

General Comment

To Whom It May Concern:

Guidelines and regulations are always needed to secure Endangered species. I am not a biologist, just a concerned animal lover. We have great impact on the whale population, and it is our duty to do what is in the best interests of the whales. We need them to survive because they are apart of our echo system, which affects every living thing.

The vessels interactions with the whales greatly impact the their lives, which everyone needs to be aware of. What we need is more enforcement. Classes, signs and enforcement are needed to teach people about these problems, which they will then understand why they need to follow certain regulations and guidelines to protect the whales.

Even those who are in compliance with the regulations, still cause danger to the whales. The amount of vessels in the surrounding areas still create danger, even if, they are all in compliance with all the regulations, which mean there needs to be more regulations. Fines should be given for those who don't follow the regulations. I would hope the fines would be high, so vessels would avoid the fines at all cost. But this should be for all boating vessels, not just certain ones. Based on my experiences, boats get as close as possible to the whales to get that one perfect picture not realizing the impact it has on the killer whales. I am pretty sure one boat will not do much harm but I can't say hundreds, thousands or millions of vessels don't have great harm on the whales. This is why people need to be aware the danger caused to the whales.

Sincerely,
Stephanie Martinez

Subject: Protective Regulations for Killer Whales
From: Sarah Uhlemann <sarah_uhlemann@yahoo.com>
Date: Sat, 31 Oct 2009 10:52:44 -0700 (PDT)
To: Orca.Plan@noaa.gov

Thank you for the opportunity to comment on NMFS's proposed protective regulations for killer whales (74 FR 37674) and thank you for extending the comment period (74 FR 53454).

I am strongly supportive of NMFS's effort to protect killer whales. The proposal to prohibit approaching killer whales is essential to protect the animals from prohibited harrassment, potential ship strike, and noise impacts. Because vessels are already prohibited from approaching these animals in a way that causes "harrassment" under the MMPA and the ESA, the regulations do not add any additional requirements, but provide important clarification for vessel operators. However, NMFS should adopt a 500 yard approach prohibition as it did for North Atlantic right whales.

The agency should also adopt a speed limit within 500 yards of a whale. Although potentially difficult to enforce, some compliance would no doubt occur, reducing potential injuries if a ship strike were to occur. Further, the agency has set speed limits in other rulemakings, despite concerns about enforcement. There is no reason to deny killer whales this valuable protection.

Thank you very much for your efforts to preserve these iconic creatures.

Sarah Uhlemann
1400 Queen Anne Ave N. #504
Seattle, WA 98109
sarah_uhlemann@yahoo.com

Subject: Protect the Orcas

From: Marcy Aschoff <mmaschoff@gmail.com>

Date: Sun, 25 Oct 2009 17:42:18 -0700

To: Orca.Plan@noaa.gov

Hello,

The purpose of this email (hopefully, it's not too late to voice my opinion) is to express my support for protecting the Orcas as much as possible. In particular, I am in favor of the proposed rules that would:

- Prohibit vessels from approaching any Orca closer than 200 yards.
- Forbid vessels from intercepting or parking in the path of a whale.
- Set up a half-mile-wide no-go zone along the west side of San Juan Island from May 1st through September 30th.

Respectfully,
Marcy Aschoff

Subject: Proposed Vessel Regulations - Protection of Southern Resident Orca Population
From: Mary Masters <mmasters@stanfordalumni.org>
Date: Mon, 26 Oct 2009 11:59:00 -0700
To: Orca.Plan@noaa.gov

To NOAA Fisheries:

I am a resident of San Juan County, a former member (for 7 years) of the San Juan County Marine Resources Committee, and have been a marine naturalist on a whale watch boat here for eight years. I'm writing to express general support of your proposed vessel operation regulations, from the perspective that, given the Endangered Species status of the Southern Resident orca population, everything possible that can be done to protect the Southern resident orca population should be done. Some people may challenge the science that forms the basis for these recommendations, and others call for a balance between human economic/cultural needs and nature. I believe strongly that 1) scientific uncertainty should not preclude action if failing to act could cause serious and/or irreversible damage, and 2) humans have already caused enormous, irreversible imbalances to species and habitat on this planet, with both known and still yet to be discovered adverse impacts. Implementing regulations to protect the orcas is to me an effort to restore a human-induced imbalance already causing adverse consequences to our regional marine ecosystem. Although vessel operational changes are part of the solution, it still is evident that NOAA Fisheries continues to delay on more critical actions that are needed to protect and recover Puget Sound's endangered orca whales, such as: restoration of salmon habitat, changes in salmon harvest and hatchery practices, land use restrictions, water quality improvements and reduction of toxins in fresh water and marine environments, restoration of salmon runs through removal of dams, and reduction of noise impacts from sonar and other activities. Unless and until these fundamental problems are addressed by NOAA, the Southern Resident orca population will expire in the decades ahead. With regard to the specific vessel proposal, I support the 200-yard approach limit and keeping clear by 400 yards from the path of traveling orcas. I believe that the "no-go zone" on the west side of San Juan Island should be implemented and extended on the south side of San Juan and to the east to include the Salmon Bank area, a favorite feeding site for the orcas. In addition, the no-go zone should be extended from Mitchell Point to the northwest, to encompass the west side of Henry Island, as the orcas tend to travel close to shore through this area on their way north to Turn Point and beyond. NOAA needs to ensure that the rules that are ultimately implemented, are applied as equitably as possible to all U.S., Canadian, international and tribal vessels, while recognizing that tribal governments have the authority over adopting rules that apply to tribal vessels. With respect to the "limited exceptions" for property owners adjacent to the no-go zone, the definition of property owner and associated access rules should be very clear. Enforcement is a major, critically important issue that should be addressed regarding both existing and proposed regulations. Being out on the water with the whale watch fleet all summer, I can personally attest to the improvements in boater behavior that result from having an enforcement presence in the area, be it Soundwatch or regulatory authorities. Regulations alone will not protect the orcas; without a much-improved strategy for enforcement, including stiff fines, it makes no sense to increase restrictions. Increased educational efforts to inform boaters, especially private recreational boaters, of the regulations must be conducted in tandem with enforcement, to achieve the desired level of protection for the orcas. Recreational boaters often still claim a lack of awareness of the current laws; increased education regarding appropriate behavior and regulations would render this excuse unacceptable. Finally, in addition to the currently proposed regulations, I recommend that a 7 knot speed limit, as promoted by the Be Whale Wise Guidelines and the Pacific Whale Watch Association, be implemented by NOAA Fisheries for all boaters within 400 yards of the orcas while in the inland waters of the state. This would reduce noise levels and the amount of interference with the orcas' communication and echolocation, reduce the potential for vessel strikes, and allow vessel operators to spot whales well in advance such that course adjustments can be made to avoid blocking the orcas' path. Thank you for the opportunity to comment on NOAA Fisheries' Proposed Vessel Regulations. I sincerely hope that NOAA will implement laws that will protect and enhance recovery of the Southern Resident orca population. Mary Masters
123 Falling Tree Rd.
Orcas,
WA 98280

Subject: Public Comment: Proposed Vessel Regulations

From: Mary Masters <mmasters@stanfordalumni.org>

Date: Mon, 26 Oct 2009 14:20:49 -0400 (EDT)

To: Orca.Plan@noaa.gov

NOAA Orca Recovery
NOAA

Dear NOAA and Director Jan Lubchenco,

I am a resident of San Juan County, a former member (for 7 years) of the San Juan County Marine Resources Committee, and have been a marine naturalist on a whale watch boat here for eight years. I'm writing to express general support of your proposed vessel operation regulations, from the perspective that, given the Endangered Species status of the Southern Resident orca population, everything possible that can be done to protect the Southern resident orca population should be done.

Although vessel operational changes are part of the solution, it still is evident that NOAA Fisheries continues to delay on more critical actions that are needed to protect and recover Puget Sound's endangered orca whales, such as: restoration of salmon habitat, changes in salmon harvest and hatchery practices, land use restrictions, water quality improvements and reduction of toxins in fresh water and marine environments, restoration of salmon runs through removal of dams, and reduction of noise impacts from sonar and other activities.

Unless and until these fundamental problems are addressed by NOAA, the Southern Resident orca population will expire in the decades ahead.

With regard to the specific vessel proposal, I support the distance (200 yards) and keeping clear by 400 yards from the path of traveling orcas. I believe that the "no-go zone" on the west side of San Juan Island should be implemented and extended on the south side of San Juan and to the east to include the Salmon Bank area, a favorite feeding site for the orcas. In addition, the no-go zone should be extended from Mitchell Point to the northwest, to encompass the west side of Henry Island, as the orcas tend to travel close to shore through this area on their way north to Turn Point and beyond.

NOAA needs to ensure that the rules that are ultimately implemented, are applied as equitably as possible to all U.S., Canadian, international and tribal vessels, while recognizing that tribal governments have the authority over adopting rules that apply to tribal vessels. With respect to the "limited exceptions" for property owners adjacent to the no-go zone, the definition of property owner and associated access rules should be very clear.

Enforcement is a major, critically important issue that should be addressed regarding both existing and proposed regulations. Being out on the water with the whale watch fleet all summer, I can personally attest to the improvements in boater behavior that result from having an enforcement presence in the area, be it Soundwatch or regulatory authorities. Regulations alone will not protect the orcas; without a much-improved strategy for enforcement, including stiff fines, it makes no sense to increase restrictions.

Increased educational efforts to inform boaters, especially private recreational boaters, of the regulations must be conducted in tandem with enforcement, to achieve the desired level of protection for the orcas. Recreational boaters often still claim a lack of awareness of the current laws; increased education regarding appropriate behavior and regulations would render this excuse unacceptable.

Finally, in addition to the currently proposed regulations, I recommend that a 7 knot speed limit, as promoted by the Be Whale Wise Guidelines and the Pacific Whale Watch Association, be implemented by NOAA Fisheries for all boaters within 400 yards of the orcas while in the inland waters of the state. This would reduce noise

levels and the amount of interference with the orcas' communication and echolocation, reduce the potential for vessel strikes, and allow vessel operators to spot whales well in advance such that course adjustments can be made to avoid blocking the orcas' path.

Thank you for the opportunity to comment on NOAA Fisheries' Proposed Vessel Regulations. I sincerely hope that NOAA will implement laws that will protect and enhance recovery of the Southern Resident orca population.

Mary Masters

Mary Masters
P.O. Box 338
123 Falling Tree Rd.
Orcas, WA 98280

PUBLIC SUBMISSION

As of: February 01, 2010
Received: November 14, 2009
Status: Pending_Post
Tracking No. 80a57b2f
Comments Due: January 01, 0001
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-2008-0327-0008

Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act- Extension of Comment Period

Document: NOAA-NMFS-2008-0327-DRAFT-0032

Comment from Lisa Norbeck

Submitter Information

Name: Lisa Norbeck

General Comment

I agree with this proposed rule. The Killer Whale is a wonderful animal and should be protected. If you are seeing a decrease in the number of killer whales, you should do whatever is needed to protect them. If people are aware of the restrictions, they should be able to plan accordingly.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: November 09, 2009
Status: Pending_Post
Tracking No. 80a54a3d
Comments Due: January 01, 0001
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-2008-0327-0008

Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act- Extension of Comment Period

Document: NOAA-NMFS-2008-0327-DRAFT-0031

Comment from James Ridgely

Submitter Information

Name: James Ridgely

General Comment

The article was very interesting. I do not know anything about whales in general and nothing about killer whales specifically. I was unaware that the killer whale population was declining. I also did not know that the sound and interference from ships is one of the causes for the decline in the killer whale population. Because ships are harmful to the killer whales, I think it is a very good idea that they are not allowed within 200 yards of the whales. If ships are more careful about how they interact with whales, the whale population will begin to increase and therefore I think the proposed regulation should be passed.

Subject: public comment on federal register attention lynne barre and trevor spradlin

From: jean public <jeanpublic@yahoo.com>

Date: Mon, 19 Oct 2009 04:20:06 -0700 (PDT)

To: americanvoices@mail.house.gov, info@oceana.org, humanelines@hsus.org

CC: Orca.Plan@noaa.gov, information@sierraclub.org, foe@foe.org, idausa idausa <melissa@idausa.org>, iinfo@peta.org, info@cok.net, info@earthshare.org

a distance of 2 miles from any whale should be required for all ships/boats. it is clear that we need to protect the whales from these commercial profiteers who hit a whale every day through their carelessness and negligence. we need to put cameras on these ships because they commit this negligence and then say they did nothing. i am sick of the carelessness and negligence of these commercial ship profiteers who cause these collisions. they all have radar and they need to use it. remember the Exxon Valdez who didn't even watch because they drank. it is time to make ships operate safely instead of as carelessly and negligently as they are currently operated. we need million dollar fines for hitting a whale. those whales have a value to this world of five million dollars for each whale.

jean public 15 elm st florham park nj 07932

[Federal Register: October 19, 2009 (Volume 74, Number 200)]

[Proposed Rules]

[Page 53454-53455]

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[DOCID:fr19oc09-26]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

RIN 0648-AV15

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

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notification of extension of public comment period.

SUMMARY: We, the National Marine Fisheries Service (NMFS), are issuing this notice to advise the public that NMFS is extending the public comment period for proposed regulations under the Endangered Species Act and Marine Mammal Protection Act to prohibit vessels from approaching killer whales within 200 yards and from parking in the path of whales for vessels in inland waters of Washington State. The proposed regulations would also prohibit vessels from entering a conservation area during a defined season. The proposed rule was published July 29, 2009, opening a 90-day public comment period and noticing two public meetings. In response to requests from the public, on September 17, 2009, we published a notice in the Federal Register announcing an additional public meeting. We are issuing this notice to announce an 80-day extension of the public comment period in response to requests to provide more time for the public to review the proposed regulation and provide comments.

We recognize that by extending the public comment period, we will

not have sufficient time to issue a final rule prior to the 2010 summer boating season. We continue to believe that it is important to address the adverse effects of vessel traffic on killer whales in the near future. In light of the requests we have received for an extension of the comment period, however, we believe additional public outreach will enhance both NMFS' understanding of public concerns and the public's understanding of the basis for our

[[Page 53455]]

proposal, and it will allow time for cooperative efforts to refine the proposal. We will work toward adoption of a final rule prior to the 2011 summer boating season. We will consider all comments and information received during the comment period in preparing a final rule.

DATES: Written or electronic comments on the proposed rule and draft Environmental Assessment (EA) from all interested parties are encouraged and must be received no later than January 15, 2010. All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

ADDRESSES: Comments on the proposed rule, draft EA and any of the supporting documents can be submitted by any of the following methods:

E-mail: orca.plan@noaa.gov.

Federal e-rulemaking Portal: <http://www.regulations.gov>.

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

The draft EA and other supporting documents are available on Regulations.gov and the NMFS Northwest Region Web site at <http://www.nwr.noaa.gov/>.

You may submit information and comments concerning this Proposed Rule, the draft EA, or any of the supporting documents by any one of several methods identified above. We will consider all comments and information received during the comment period in preparing a final rule. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment- including your personal identifying information- may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Lynne Barre, Northwest Regional Office, 206-526-4745; or Trevor Spradlin, Office of Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2009, NMFS proposed regulations under the Endangered Species Act and Marine Mammal Protection Act to prohibit vessels from approaching killer whales within 200 yards and from parking in the path of whales for vessels in inland waters of Washington State (74 FR 37674). The proposed regulations would also prohibit vessels from entering a conservation area during a defined season. Certain vessels would be exempt from the prohibitions. The purpose of the action is to protect killer whales from interference and noise associated with vessels. In the final rule announcing the endangered listing of Southern Resident killer whales NMFS identified disturbance and sound associated with vessels as a potential contributing factor in the recent decline of this population. The Recovery Plan for Southern Resident killer whales calls for evaluating current guidelines and assessing the need for regulations and/or protected areas (73 FR 4176;

January 24, 2008). We developed the proposed rule after considering comments submitted in response to an Advance Notice of Proposed Rulemaking (72 FR 13464; March 22, 2007) and preparing a draft environmental assessment.

Dated: October 13, 2009.

Helen Golde,
Deputy Director, Office of Protected Resources, National Marine
Fisheries Service.

[FR Doc. E9-25063 Filed 10-16-09; 8:45 am]

BILLING CODE 3510-22-S

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 14, 2010
Status: Pending_Post
Tracking No. 80a7d81b
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-0044

Comment from Christen McLean

Submitter Information

Name: Christen McLean

Address:

936 25th ST

Port Townsend, WA, 98368

Email: chrissymclean@gmail.com

General Comment

Increased toxic loads, reduction of salmon populations and increased underwater noise have been listed as the three most important impacts to regulate in saving our endangered Southern Resident Orca population. Toxins and salmon are challenging areas and the solutions will take time to implement and make the needed changes. Noise pollution is a place where we can make some immediate changes and seem immediate results.

The westside of San Juan Island has long been known to be one of the most important feeding grounds for these endangered whales. It would also be an easy place to provide a relatively quiet haven for these iconic predators to feed in a setting that is not impacted by boat traffic.

It has been noted that if we can keep our killer whales fed, they will not need to mobilize the build up of toxic pollutants stored in their fats. One sure way to help they stay fed is to protect their best known feeding grounds from an easily regulatable impact-- vessel noise.

I hope you will support this measure before it is too late for our whales.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 14, 2010
Status: Pending_Post
Tracking No. 80a7d638
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-0043

Comment from CHristian Sarason

Submitter Information

Name: CHristian Sarason

Address:

4807 49th Ave South
Seattle, WA, 98118

General Comment

I recently had the honor of watching orcas swim directly offshore from San Juan county park. Watching these amazing creatures go about their daily business was truly remarkable---what was also clear was that the herd of whale watching boats were doing a (mostly) good job of staying far away from the Orca.

Not so great was watching a number of other boaters blithely motoring directly through the pod, totally oblivious to what was around them. In order to protect this uniques ecosystem for future generations, I urge you to amend regulations to help protect the southern resident pod from acoustic interference and general harrassment from folks who may or may not know better but are cruising through these pods never the less.

PUBLIC SUBMISSION

As of: February 01, 2010
Received: January 12, 2010
Status: Pending_Post
Tracking No. 80a7a8bc
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-0042

Comment from Michael Thompson

Submitter Information

Name: Michael James Thompson

Address:

HC 01 BOX 383

Gakona, AK, 99586

Email: michaeljthompson60@hotmail.com

Phone: 907 822-5676

General Comment

If you don't act now to protect the Puget Sound Orca's they won't stand a chance against the rapid coastal development that is currently changing the face of the pacific northwest coastline! I've lived in Seattle and watched the population of these orca's decrease due to increased shipping traffic/heavy industrial development, and high concentrations of industrial waste that is/was dumped into adjoining river systems flowing into Puget Sound, and it's already almost gone. I'm from Alaska and i've watched as our Prince William Sound Orca population has significantly decreased due to the Exxon Vadez oil spill, what will it take to protect these unique populations of marine mammals.

Subject: Comment on proposed Protective Regulations for Killer Whales

From: John Griffin <griffy2000@yahoo.com>

Date: Sun, 25 Oct 2009 11:38:39 -0700 (PDT)

To: Lynne.Barre@noaa.gov, Orca.Plan@noaa.gov

in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act.

I am a sailor and boat owner and wholeheartedly support the proposed ban on traffic and implementation of stricter viewing distance regulations surrounding orca populations near San Juan Island.

As we all know, the numbers of one of the Pacific Northwest's iconic creatures, the orca, are steadily declining. This measure is just a small step the Federal Government can take to insure these majestic mammals have a little more peace and a fighting chance in their struggle to survive.

Thank you for your attention.

John Griffin
s/v Aguaviva
Seattle

Subject: reg.on vessels near orcas
From: Lynn <lynnp@lynnp.net>
Date: Mon, 05 Oct 2009 16:13:45 -0700
To: Orca.Plan@noaa.gov

Our family regularly rented a vacation rental on the west coast of San Juan Island. The orcas came so close to the shore, we could hear them blow! What else we noticed, was that as soon as we spotted the orcas, so had the many small planes that we assumed scouted for them. It would not take long before all kinds of "whale watching" boats zoomed onto the scene. Rubber, wood, fiberglass you name it all would descend on the whales. Their method was to drive a certain number of feet ahead of the group of whales then stop where they hoped would force the whales around the boats and everyone could get a look! It was amazing, like clockwork this happened day after day. It had to antagonize the orcas something fierce! It actually was upsetting to listen to and watch this assault on the whales. If in any way we can help stop or limit "whale watching" we will do so. Also it seems that the scout planes and the boats came more from Canada, or off Vancouver Island somewhere.

We did not notice fishermen in this area as much as the sight-seeing boats. We saw a video recently on youtube that showed orcas after some fishermen catch of salmon, they were eating the salmon right off their lines. I believe this was taken in Alaska, but not sure. So, it makes us wonder if the fishermen are the least of the problem and the sightseers the bulk of the irritation to the whales!

Thank you,

Lynette Pollard

Subject: Protect the whales
From: cathy hollenstein <Hollen@wi.rr.com>
Date: Thu, 15 Oct 2009 21:00:59 -0500
To: Orca.Plan@noaa.gov

To Whom It May Concern,

My niece lives on San Juan Island and has been involved in a variety of ways with the Orcas in that area. I have visited her and had the opportunity to be out on the water to see the whales. On both occasions, the waterway seemed very congested with boats, and it surprised me that we were allowed to get as close to these majestic animals as we did.

I would like to support the proposed regs from NOAA that would make changes in the distances between boats and the whales. Please protect these beautiful animals!

Cathy Hollenstein
1614 Lindsay Way
Waukesha, Wi 53185

Subject: Vessel regulations in Pacific NW

From: dianewalter@att.net

Date: Fri, 16 Oct 2009 06:06:17 -0500

To: Orca.Plan@noaa.gov

Hi,

I definitely agree with vessel regulations in regard to whale watching, etc. On a recent trip to San Juan island, I went on a tour. It was amazing, but I felt unsettled as to what we were doing. I think there is a place for regulation, but I also think we need to have the boat tours to promote whales, and other species. With regulations, there should be an agreement for the best protection of our animals.

Subject: Orca Plan

From: Dale <gillham3@rockisland.com>

Date: Fri, 16 Oct 2009 20:12:19 -0700

To: Orca.Plan@noaa.gov

As a 30 year resident and boater of Orcas Island I have seen the population in the county triple. The number of boaters on the west side of San Juan Island has ballooned accordingly, while the Orca have had to be placed on the endangered list. It is time for action and not more talk. I am in favor of the no go zone. Do it now before it is too late.

Dale Gillingham

gillham3@rockisland.com

Subject: Protective Regulations for Killer,Whales in the Northwest Region Under,the Endangered Species Act and,Marine Mammal Protection Act

From: Eileen Kinley <kingaia@sympatico.ca>

Date: Sat, 17 Oct 2009 09:39:19 -0400

To: Orca.Plan@noaa.gov

I support the proposed vessel regulations with respect to orca interaction. If anything, I would say they don't go far enough.

I have followed (as an amateur) the various scientific studies that show the negative impact that vessel interaction has on the orcas. I would hope that those studies would hold a large amount of influence on your decision. The whale watching companies and customers do not necessarily see the impact they have, or perhaps WISH to see it. For example, the report "Close Approaches by Vessels Elicit Surface Active Displays by Southern Resident Killer Whales" by Noren, Johnson, Rehder and Larson indicate that the surface behaviours that elicit such awe from customers are in fact a sign of negative impacts caused by boats. Yet how often have I heard whale watchers exclaim that the orcas must be happy to see the boats because they are 'showing off'? Also note that the impact was caused by boats within 1000m - not 200 or 400 yards!

Even if anyone doubts the connection, I believe the 'precautionary principle' MUST be followed.

On an emotional level, I do not believe humans have the right to exploit the orcas. The stories of 97 boats to 24 orcas, for 12+ hours a day are absolutely disgusting. Ideally, there should be days where there is no interaction allowed at all, and even on days where the orcas are 'working', viewing hours would be limited.

I am also concerned that the implementation of the regulations has been delayed by a year. Again, per the 'precautionary principle', why not go ahead and put them into force for 2010 and then change them again IF NECESSARY?

Regards,

Eileen Kinley
1844 9th Line Beckwith
RR#2
Carleton Place, Ontario, Canada
K7C 3P2

Subject: orca recovery-vessel impact proposal
From: DJ MAR <orcspirits@msn.com>
Date: Tue, 13 Oct 2009 19:03:38 -0700
To: Orca.Plan@noaa.gov

Dear NOAA-At this time I am writing to support the vessel impact proposal for the SRKW. The science is solid & speaks for itself. As complicated as it is ,there is no easy way to satisfy everyone involved. Ultimately what`s needed is what`s good for the orca`s to recover. Therefore,I support the 7 knots & I would like to suggest a 400 mile zone instead of the no-go zone.More emphasis needs to be quickly placed on salmon recovery, as well as toxins.More education of the public is also needed.At the marina`s I noted the amount of non-environmentally safe cleaners used on boats that go directly into our waters.This applies to cars & run-off,as well. I would also like to support full funding of Sound-watch,etc.There is no one answer to this issue & everything matters to ensure the orca`s safe recovery.Thanking you in advance for your time,considerations & efforts! Sincerely, DJ Mar-Eco-Elements-1530 1st Ave,Seattle Wash.98101

Hotmail: Free, trusted and rich email service. [Get it now.](#)

Subject: Orca Protections
From: Mary Stoll <marys@mlstoll-law.com>
Date: Mon, 05 Oct 2009 10:33:21 -0700
To: Orca.Plan@noaa.gov

Please take swift and necessary measures to ensure that the resident Orcas of the San Juan Islands are protected. My husband and I have witnessed year after year boats powering full speed through the pods off of Open Bay (Northwest side of San Juan Island) while the Orcas are feeding. These boaters are apparently oblivious to the 200 yard prohibition that is supposed to protect the whales from harassment. The Whale Watching Boats are also relentless in the game of chase. If we are to have these great creatures alive for our children and grandchildren to see, strict and well-publicized rules need to be enacted to keep people at a distance. We support measures to cut pollution and ensure an adequate food supply for the whales and other sea mammals, which means protecting salmon habitat. We will use our votes wisely in this regard to support those politicians which see the value of protecting our marine environment.

Additional pressure must also be put on British Columbia to stop dumping their raw sewage into the Straits of Juan De Fuca also. It is not just a U.S. effort that is required. The protection of our mutual waterways is an international issue that needs international attention.

Mary Stoll

LAW OFFICES OF MARY L. STOLL
2033 Sixth Avenue, Suite 815
Seattle, WA 98121-2573
Telephone: 206-623-2855
Fax: 206-667-9805

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Subject: Comments on New NOAA Regs to Protect Killer Whales
From: Charles Peckinpaugh <peckinpaugh@rockisland.com>
Date: Wed, 21 Oct 2009 14:50:09 -0700
To: Orca.Plan@noaa.gov

Below are comments regarding the NOAA proposed regulations to protect killer whales which creates a No Go Zone (NGZ) on the Westside of San Juan Island.

I am a waterfront property owner on the Westside of San Juan Island at Bellevue Point. My property is located one mile north of the Lime Kiln Light House and positioned near the middle of the proposed NOAA NGZ. The property has a small pocket cove which I use to store and launch kayaks for paddle trips along the shoreline. I have lived and actively kayaked from this location for ten years.

The proposed regulation excludes kayaks from the NGZ which would prevent me from kayaking from my property along the shoreline. It tries to accommodate property owners by allowing us to paddle straight out a half mile into the shipping lane. Kayaking a half mile off shore near or in shipping lanes is not safe for me nor for the average kayaker, so this is not a viable option. Since kayaks are so quiet, slow, and small it is incredible to me that they could cause any significant impact to whales.

Having watched Orca whale interaction with vessels on Haro Strait these past ten years, from large deep-sea ships to the smallest kayaks, gives me a unique vantage point from which to judge the effectiveness of the proposed NGZ. Based on these observations and a summary review of published information, I conclude that the NGZ, as proposed, does not strike a proper balance between whale protection and the impact it causes to the public and the economy.

I do support establishment of some type of "Protective Zone" similar to that used in Glacier Park which requires time dependant entry permits to limit the number of boats at any point in time. Speed limits could be established and permits could require attendance at a short lecture on special rules for vessels, including kayaks, to minimize impact to whales.

I also support the recommendations of the San Juan County Resources Committee to the San Juan County Council in their report dated September 22, 2009. They specifically recommended that the County ask NOAA for a time extension of one year to develop an "integrated vessel plan" that has community support as an alternate to the proposed NGZ.

Charles Peckinpaugh
90 Judy Lane
Friday Harbor, Wa 98250
360-378-7059
peckinpaugh@rockisland.com

Subject: South Resident Orca Whale Protection

From: "M. J. Cohen, Project NatureConnect" <nature@interisland.net>

Date: Wed, 14 Oct 2009 16:05:38 -0700

To: Lynne.Barre@noaa.gov

Dear NOAA and Ms. Barre

Thank you for your research and other efforts to support the life of the South Resident Orca population. As a source of personal information and for my occupation as an Applied Ecopsychologist, (<http://www.ecopsych.com>), as a west shoreline property owner, I kayak, close to shore, south, from Mitchell Bay, and back, a few times a week, year round. I have, once, encountered the whale group along the shoreline. I have also encountered them twice off the South end of Henry Island.

If whale-life is interrupted by boats, then the problem is greatly aggravated by the surveillance of the whales by the whale-watch people and their sighting network. This surveillance makes the boat contact with whales a science and an economy, a powerful, often destructive, combination. It is not simply a matter of chance along the shoreline or elsewhere. I suggest you address this excessive contact factor (and good luck with that <grin>.)

If kayaking is a whale disturbance, it is not reasonable for the kayak-tour industry and its 10,000 participants/year, to be allowed to put in at the County Park or to access this area. It makes more sense for them to put in via Snug Harbor and Roche Harbor and be restricted to the Henry Island and northern waters, north of Mitchell Bay. Their purpose is the Kayaking experience. It is not scheduled around the whales or their presence (via the sighting network.) Perhaps the Park could rent or purchase a launching area at Roche Harbor and not lose this source of income.

I very rarely encounter other local property owners or Island residents kayaking or rowing the area in question. We are few and far between and, especially with training, pose little impact on the whales. For this reason, our rights to access our local waters should not be disturbed. In addition, it is dangerous to require us to be too far offshore, due to sudden weather changes. A permit attached our boat should give us identifiable access to this area.

One way to protect the West shore would be to identify it as a re-creation area rather than a recreation area with "bragging rights" about whale sightings. I could design a program for you to this end, one that would "sanctify" the area and help it promote its own life via nature-connecting activities.

Owls and Howls,

Michael J. Cohen, Ph.D.

--

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<http://www.ecopsych.com/> 360-378-6313 <mailto:nature@interisland.net>

Subject: Orca and other endangered species.
From: BosunJ133@aol.com
Date: Thu, 15 Oct 2009 20:45:48 -0400 (EDT)
To: Orca.Plan@noaa.gov

Dear Sir as a matter of broad based national interest, please enforce the regulations that you have passed. Do no wait until it is felt that suit has to be filed to get compliance. Just do your duty. John Jenkins, San Francisco, California. 10/15/09

In strong support of proposed regulations

Subject: In strong support of proposed regulations

From: Marsa Daniel <marsadaniel@gmail.com>

Date: Wed, 07 Oct 2009 10:35:23 -0700

To: Orca.Plan@noaa.gov

It is heartening to see the proposed NOAA regulations regarding orca whales in Puget Sound, I sincerely hope the regulations go into action soon.

These proposed regulations are completely reasonable, and are a minimum of what we should be doing in response to the stress these animals are experiencing from human contact. No doubt there will be opposition from the whale watching business, but without action to reduce the stress on these animals there will soon no longer be any Puget Sound whales left to watch.

In strong support of the proposed regulations!

Marsa Daniel

Subject: San Juan Island Orca plan comment

From: dferm@bainbridge.net

Date: Fri, 02 Oct 2009 17:34:35 -0700

To: Orca.Plan@noaa.gov

To:

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

Dear Ms. Darm,

We have a family summer cottage on the west side of San Juan Island, and have been more and more concerned about the effects of boat activity on the orcas. It is stressful to me, working outside in the yard, to hear the boats offshore. I can imagine it is even more stressful for the orcas who are in the water with all that noise. In addition, I know that boat noise interferes with the orcas' ability to communicate and to find and catch food. I understand the whales behavior has changed, that they spend less time resting and more time actively swimming, and that post-mortem autopsies of dead orcas reveals that many of them are basically starving.

We would fully 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.

However, we are worried about this provision: "In addition, the proposed regulations would set up a half-mile-wide no-go zone along the west side of San Juan Island from May 1 through the end of September." We can only use our little waterfront cabin from May 1 through September because of concerns that our waterpipes will freeze. We drain the water the rest of the year, and therefore have no toilet or shower, and do not spend time there. My sister is only able to visit from the East coast during the summer. We have a little fiberglass rowboat, and a little aluminum boat with outboard motor which we launch from our beach. Would such regulation mean that we would not be able to use our boats all summer long, even when the whales are not around? It seems as if some kind of sensible provision for people who live on the west side needs to be implemented to allow people to take their small boats out at least when the whales are not within view.

Sincerely,
Mary Ferm
5062 New Sweden Rd NE
Bainbridge Island, WA 98110
206-842-1304

Subject: Protect the Orca!
From: Jan Loudin <loudin@rockisland.com>
Date: Fri, 02 Oct 2009 18:34:58 -0700
To: Orca.Plan@noaa.gov

Attention: Donna J. Darm:

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

We supports the distance (200 yards) and prohibition on parking in the path of traveling whales. We agree in concept with a "no-go zone."

Although vessel operations are part of the solution, we want to make sure that NOAA/NMFS continues to work on the three other critical actions needed to protect orcas such as:

- Restore salmon and salmon habitat;
- Reduce toxic pollution that impacts our water;
- Reduce noise impacts from sonar and other activities.

In addition, education and enforcement are essential to the effective implementation of the regulation. We need to encourage Canada to adopt similar regulations to protect Orca.

The whales have been waiting; it is time to take a step toward implementing real protections for them!

Sincerely,

Frank and Janet Loudin
Frank Loudin Studio
www.frankloudin.com
P. O. Box 1017
Eastsound, WA 98245
360-376-5642
Fax: 360-376-3274

Subject: STRONG support for proposed orca regulations

From: Linda Dobbs <ldobbs@sos.net>

Date: Sun, 04 Oct 2009 11:38:15 -0700

To: Orca.Plan@noaa.gov

I am writing to express STRONG support for the proposed NOAA regulations that would provide protection for orcas in the following ways:

1. Make it unlawful for boats to get within 200 yards of Southern and Northern resident orcas or to intercept or park in the path of a whale in inland waters of Washington.
2. Create a mile-wide no-go zone on the west side of San Juan Island between Mitchell Bay and Eagle Point from May 1 through the end of September.

I am very upset that not all comments made it to the public record at the Anacortes hearing.

It is vital that we protect the orcas for the long term, instead of give in to short term dollarable gains.

Linda Dobbs
13136 Sunset Lane
Anacortes, WA 98221

Subject: comments for rule making

From: Law Office of Paula Plumer <plumlaw@fidalgo.net>

Date: Mon, 05 Oct 2009 09:35:27 -0700

To: Orca.Plan@noaa.gov

To whom it may concern:

Please consider this comment in your rulemaking regarding the increased limit on contact with orcas from 100 to 200 yards. I support the proposed increase. I am a member of the general public.

Thank you for your consideration.

/paula plumer

LAW OFFICE OF PAULA PLUMER

417 W. Gates, #1

Mount Vernon, WA 98273

360 428 3988 phone

360 428 5044 fax

Subject: Additional comments on proposed rules restricting motor vessels

From: Monica Harrington <monica@picnik.com>

Date: Wed, 07 Oct 2009 16:43:14 -0500

To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

After attending all three of the public meetings, I wanted to add to the comments I submitted earlier.

First of all, thank you to NOAA for providing so many people an opportunity to comment in person.

What became clear to me after listening to all the commentary is that there is an obvious and irreconcilable conflict between people who think that the only way to make money is to deliver an up-close experience to the whales via motor vessels and the broader goal of ensuring the Southern Residents' recovery. It is up to NOAA to find a solution that works for the whales.

There was also much discussion of the economic impacts. As someone who has been a founding executive for two successful tech startups in the NW --which now employ hundreds of people and which bring in more revenue annually to the region than the entire whale watch industry collects annually in customer fees -- I can attest that one of the things that makes this region attractive to high tech companies and employees -- who often can work anywhere and who have to compete globally -- is the natural environment and respect for natural resources. The Southern Residents are an iconic species for the Pacific Northwest, and they are entitled by law to full protection under the ESA act. The fallout from the loss of this iconic species will be felt far and wide -- especially if the loss occurs in part because we didn't act forcefully enough when we had the opportunity.

As a former marketing executive, I also am especially frustrated by the obvious disconnect between how the whale watch industry markets its services and what they say about the services they provide in public meetings. The web sites of the whale watch companies themselves show pictures of close-up encounters with the whales -- a flagrant violation of the Be Whalewise Guidelines they all say they support. They are marketing a close-up experience with the whales and that is what they are delivering -- despite any protestations to the contrary. What this means is that the only thing that will stop them from delivering a close-up experience is clear, enforceable rules and severe consequences for companies and individuals that violate them. For this reason, I support the No-Go Zone and all of the distance restrictions NOAA is proposing. Here are just two of many examples:

<http://mysticseacharters.com/index.php>

http://www.watchwhales.com/_whale_watching_tours.html

I also believe that all people who pay for a whale watching trip should be required to sign a document that outlines the restrictions on whale/vessel interaction. That way, we can be sure customers know what to expect, and can play a bigger role on the vessels now in helping to ensure that the rules are followed. (I know that in many cases customers now encourage the whale watch operators to get as close to the whales as possible -- part of this arises out of simple ignorance.)

In addition, I think NOAA needs to weigh the very real possibility that it will be sued if it does not enforce its own rules against "pursuit" of an endangered species. Over hundreds of hours, I have witnessed from shore firsthand the relentless pursuit of the Southern Resident killer whales, and I believe that pursuit is illegal. Nothing in the rules that NOAA has presented addresses this fundamental issue.

Finally, I'd like to acknowledge the important contributions of SoundWatch while also noting that nowhere did I see any mention that the SoundWatch data is naturally skewed. While the SoundWatch boat is on the water (and recording incidents), the whale watch operators' conduct improves. This is because the operators recognize the SoundWatch boat, know they are being monitored when it is present, and naturally curb their worst excesses. The situation is worse when Soundwatch is not on the water. One conclusion to draw is that SoundWatch needs to be on the water more. The other important conclusion to draw is that the situation

already is much worse than the Soundwatch statistics indicate. NOAA needs to take this fact into account as they consider which actions to take.

Sincerely,

Monica Harrington

Subject: Protective Regulations for Killer Whales [Docket No. 070821475-81493-01]
From: Doug Simonsen <dcsimonsen@comcast.net>
Date: Wed, 07 Oct 2009 16:26:00 -0700
To: Orca.Plan@noaa.gov

I am commenting in support of the proposed regulations.

I am a recreational boater who also observes Southern Resident Killer Whales from the shore along the proposed protection zone. I have seen on numerous occasions how Orcas behave very differently when boats are present. People who only observe whales from boats have no way of seeing the difference, and cannot speak to how their presence on the water affects the Orcas.

It is obvious from the evidence of the Lime Kiln hydrophones how vessel noise can easily overwhelm Orca vocalizations.

The Southern Resident Orca population has declined rather dramatically over the past fifteen years, the same period during which whale watching has grown to be a multimillion dollar industry, with dozens of boats chasing the Orcas throughout the summer daylight hours.

During the summer of 2009 I observed frequent and repeated violations of the existing guidelines by recreational watercraft, commercial whale watching vessels and commercial fishing vessels. These violations were even seen to occur in the presence of a San Juan County Sherriff's patrol boat, which took no apparent action against the offenders. I believe it is simply unrealistic to expect that there will ever be sufficient funding for the kind of constant law enforcement presence that would be required to achieve compliance with the current guidelines.

The exclusion of private recreational vessels from the protection zone is merely a matter of personal inconvenience, not economic loss. There will be some economic impact to commercial whale watching operations, since they may have to go farther to view whales at close range, but these vessels routinely cover large areas in their search for Orcas, which can be seen in the Strait of Juan de Fuca and throughout the waters of the San Juan Islands. The loss to these businesses will be immeasurably greater if we lose the Southern Resident Orcas altogether through our failure to provide them a safe haven for undisturbed feeding.

Douglas Simonsen
Anacortes, WA

Subject: san juan island whales
From: ZOOTERINCM@aol.com
Date: Fri, 09 Oct 2009 15:16:46 -0400 (EDT)
To: Orca.Plan@noaa.gov

About the Orca protection plan at San Juan Island, Wa. We have seen the whales there and a constant herd of inflatable boats from Canada and party boats from Wa. Wow! the whales really don't have any time to themselves anymore. If you want to find them you can monitor the radio and pretty soon a dozen boats will be on them. Marine protection area? YES! As a long time boater in this area and a water front property owner I have to say the whale thing is just out of hand and your plan is in order and needed. I probably didn't have to tell you this, however, I would like you to know that some of us boaters understand what your job is.

Thank you

Tim Lewis Pleasant Harbor, Wa.

Subject: vessel regulations

From: Mike Grace <mikegrace78@yahoo.com>

Date: Tue, 06 Oct 2009 22:08:30 -0700 (PDT)

To: Orca.Plan@noaa.gov

To whom it may concern,

As a whale watch guide of over 8 years experience, I support the proposed vessel regulations. Although this regulation will no doubt hurt the whale watch and sport fishing industries, it is clear, from my own experiences along San Juan Island, that the whales need more space. I would recommend extending this no-go zone "whales dependent" north to Turn Point, on Stuart Island, and East to Colville Island, just off Lopez.

I would also recommend that the exception for commercial fisheries be removed. It seems disingenuous and counter intuitive to allow a commercial salmon fishery in a killer whale sanctuary. The whales are only in this area because of the fish! Commercial fisheries along SJI, from my own personal experience are far more disruptive to the whales than most other non-whale watch traffic. Clearly, they should be banned as well.

I applaud NOAA's efforts in this regulation. Despite fierce rhetoric and finger pointing by stakeholders and industry - the truth is NOAA must make legitimate and painful moves to save the Southern Residents from extinction. I would encourage NOAA to push Canada's DFO to similar action.

Regards,

Mike Grace

Subject: NMFS proposed regulations
From: Kevin Gardener <kgardener@centurytel.net>
Date: Fri, 15 Jan 2010 09:30:33 -0800
To: Orca.Plan@noaa.gov

To whom it may concern,

I fully support the proposed regulations from the NMFS regarding vessel encroachment when Orca are present. I live on Vashon-Maury Island and know first hand the difficulties faced by our resident Orca population. The East Passage between Point Robinson and Des Moines can be one of the most difficult areas for the Orca to hunt for food let alone bear and rear their young when the shipping lanes are full, pleasure boats are present and whale watching groups are trying to get as close as they can to appease their customers.

The two hundred yard limit is certainly not excessive when you consider the mere survival of this Endangered species. As their food supply dwindles and they need to travel farther and work harder to find it, the Orca demand a much wider range in order to fulfill their basic needs.

These new regs are needed. Please enact them.

Thank you,
Kevin Gardener, Vashon Island.

Subject: No-go zone west of San Juan Island

From: "Thompson, Linda" <Linda.Thompson2@providence.org>

Date: Wed, 30 Sep 2009 08:55:21 -0700

To: Orca.Plan@noaa.gov

While I am full agreement of saving the whales I have a few questions:

- 1) How wide would the no-go-zone be?
- 2) Would it close Roche Harbor?
- 3) Would it prevent traffic from getting to other destinations west of San Juan Island such as Stewart Island or Vancouver Island?

Linda Thompson
509-999-7891

Subject: No-go-zone west of San Juans

From: "Thompson, Linda" <Linda.Thompson2@providence.org>

Date: Wed, 30 Sep 2009 09:01:47 -0700

To: Orca.Plan@noaa.gov

After looking at the definition of the zone I vote YES - do it.

Subject: Comments regarding vessel regulations and the Southern Resident Killer Whale
From: "Jim R." <JRapp@sbcglobal.net>
Date: Fri, 15 Jan 2010 10:56:14 -0800
To: Orca.Plan@noaa.gov

To whom it may concern:

I am writing as a concerned citizen in complete support of the vessel regulations as proposed by NOAA.

I believe the proposed regulations are a good first step and the least we can do to begin addressing some of the many human influenced factors negatively impacting Southern Resident Killer Whales' (SRKW) survival. I recognize there are several other significant factors impacting the SRKW; nevertheless, these other factors should not negate nor discount the need to address vessel impacts. I sincerely hope that other very important issues such as the availability and quality of prey (most importantly salmon) and toxins in the environment (PBDEs, PCBs, DDT, to name a few) are given serious attention and addressed very soon.

I support the use of the best available, peer reviewed science as well as the use of the precautionary principle to make informed policy decisions regarding this endangered species. I believe NOAA has satisfied these criteria in their efforts to develop the proposed vessel regulations and I urge you to hold those opposed to the regulations to the same standards.

It is vital that the decisions concerning vessel regulations are finalized in a timely manner and that they are not unduly swayed or moderated by unverifiable unscientific personal opinions, no matter how often those opinions are repeated or how forcefully they are expressed. Personal opinions may be interesting and/or important in order for some people to express their thoughts. However, these opinions should be appropriately weighed in comparison to scientific data; indeed, public opinion should be considered and valued as just that: opinion. Serious opposition to the regulations must, like the proposed regulations, use the best available peer reviewed science to substantiate their claims in order to warrant serious consideration.

We are fortunately a nation ruled by laws, not opinion. The best available peer reviewed science was used to bring about the listing of the Southern Resident Killer Whales, a distinct population segment of the overall *Orcinus orca* taxonomic classification, as an endangered species, and the Endangered Species Act (ESA) is the law we have enacted to bring about the recovery of endangered and threatened species. I support the Endangered Species Act and the efforts used to implement and enforce it to protect these imperiled whales.

The Endangered Species Act, like many laws, is designed to protect and give voice to minorities who otherwise might be ignored or overruled by the masses. This population of Southern Resident Killer Whales are the minority in this case, protected by the ESA from the masses of people who fail to recognize the plight of those that literally have no voice. It is imperative that those charged with implementing the ESA maintain focus on what is best for the whales, to ensure a quality of life for these animals because they cannot speak or advocate for themselves.

I conclude by emphasizing the precautionary principle which advises us that in the absence of scientific consensus that quantifiable harm would ensue, we must err on the side of caution and

protection and that the burden of proof is with those who advocate potentially harmful action. We are concerned here with the plight of an entire distinct population of whales, not simply an individual, so it is crucial that we get things right, that protections are significant and comprehensive for we undoubtedly will have no second chance.

Thank you for reading my comments.

Sincerely,

James Rappold
Sacramento, CA

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Subject: Public Comment: Proposed Vessel Regulations
From: Benbrook Rachel <rbenbrook@gmail.com>
Date: Fri, 15 Jan 2010 14:11:36 -0500 (EST)
To: Orca.Plan@noaa.gov

NOAA Orca Recovery
NOAA

Dear NOAA and Director Jan Lubchenco,

Although vessel operational changes are part of the solution, it still is evident that NOAA/NMFS is missing the most important part of saving the endangered orca whales. What needs to happen for the Orcas and for Puget Sound as an ecosystem is restoration of salmon runs through removal of dams; restoration of habitat; and reduction of toxic pollution that impacts the food web.

Until these fundamental problems are addressed by NOAA/NMFS, the orca population will cease to exist in the decades ahead.

Benbrook Rachel
7451 Holiday Blvd
Anacortes, WA 98221

Subject: new vessel regulations

From: Patti Hoyopatubbi <evergreens17@gmail.com>

Date: Tue, 12 Jan 2010 11:04:49 -0800

To: Orca.Plan@noaa.gov

Thank you thank you for the new vessel regulations. It is a BIG step forward in protecting these beautiful creatures who have to endure so much on behalf of humans .

Subject: orca vessel regulations comment
From: Joseph Herrin <jherrin@heliotrope.cc>
Date: Tue, 12 Jan 2010 11:15:31 -0800
To: Orca.Plan@noaa.gov

I would like to formally add my comments to the proposed Federal regulations concerning vessel effects on our resident Orca population. I am a lifelong boater in the San Juan Islands and have had dozens of experiences with Orca on the water – since before the days when they were hounded by whale watching vessels. I always felt some guilt for any potential disturbance we might have caused, but that is nothing compared to the assault these whales have faced in the last couple of decades. I still see the whales at least once every summer as we cruise the islands, and in each encounter I endeavor to meet or exceed the current distance rules. In my experience, a small majority of vessels obey the rules, but a large number of them don't – and among the offenders are always a few commercial whale watching vessels. It always amazes me, in that one would think that the vessel operators that are playing by the rules would self-police their business community and force others to come into compliance. This has not been the case, and the entire situation has gotten way out of hand. I urge NOAA to adopt strict, clearly enforceable regulations in order to protect our remaining Orca, and to seek funding for enforcement.

Respectfully,

Joseph Herrin

Joseph Herrin AIA, LEED ap
principal :: heliotrope architects

5140 ballard avenue nw, suite b
seattle washington 98107
p: 206.784.6355
f: 206.297.0493
www.heliotrope.cc

Subject: Orca legislation comment
From: Jim Koenig <kingkung@comcast.net>
Date: Tue, 12 Jan 2010 15:36:04 -0800
To: Orca.Plan@noaa.gov

I am in favor of anything that will protect whales. I am in favor of legislation which will protect their habitat.

Whales are too seldom of a reminder to us humans of our natural heritage. Their impact on these memories is immense.

Please accept my support of this upcoming legislation, and my prayers for its success.

Subject: Protecting the endangered orca whales
From: Marcia Stedman <marcia.stedman@verizon.net>
Date: Tue, 12 Jan 2010 17:11:39 -0800
To: Orca.Plan@noaa.gov

To Whom It May Concern:

We need to do all possible to ensure the survival of this beautiful creature. I urge you to adopt the protections that are under consideration.

Sincerely,

Marcia Stedman
18715 92nd Ave. N.E.
Bothell, WA 98011
425-483-4107

Subject: SUPPORT FOR proposed vessels regulation to protect killer whales in Puget Sound
From: Mary Beth Moser <mbmoser@comcast.net>
Date: Tue, 12 Jan 2010 18:16:56 -0800
To: Orca.Plan@noaa.gov

Dear NOAA,

Thank you for you the proposed vessels regulation to protect killer whales in Puget Sound. If we want to truly protect this species we have to prohibit vessels from coming near the whales or deliberately intercepting or parking in their path. I support the proposed regulation that would set up a half-mile-wide zone along the west side of San Juan Island from May through the end of September where no vessels would be allowed.

As a local resident of Puget Sound, I hope these proposed rules become law. The recover of this endangered species should be the highest consideration in this matter.

Thank you,
Mary Beth Moser
Vashon Island, WA

Subject: orca protection
From: drtjlee@comcast.net
Date: Mon, 11 Jan 2010 19:47:03 +0000 (UTC)
To: Orca.Plan@noaa.gov

As beach front owners on Maury Island we are in strong support of the proposed orca protection rules and their implementation into law. Please add us to your support list. David and Toni Lee

Subject: Public Comments - Orca - plan
From: Kevin Smith <leosmithkev@yahoo.com>
Date: Mon, 11 Jan 2010 14:39:32 -0800 (PST)
To: Orca.Plan@noaa.gov

To whom it may concern:

We strongly support regulating a 200 yard distance between vessels and killer whales.

This measure will lessen vessell effects on SRKW behavior, decrease acoustic impacts, provide a buffer from noxious fumes at the surface, and decrease the likelihood of a collision.

In addition, I strongly support the prohibition on parking in the path of killer whales for many of the same reasons.

Regards,
Kevin Smith

Subject: Please protect the Orcas
From: Michael Jacobs <dnamj@yahoo.com>
Date: Mon, 11 Jan 2010 14:46:57 -0800 (PST)
To: Orca.Plan@noaa.gov

As a trained aquatic biologist, I can tell you that there are many who value the natural aquatic, marine, and estuarine ecosystem FAR more than we do any recreational or commercial use of the water by vessels of any type.

It has been proven to be nearly impossible to rehabilitate a destroyed estuarine ecosystem once it is damaged, and this would be especially true of the native Orca populations. Their complex behavioral and biological roles would never be replaced if the population were to be lost.

Please enact and enforce the strictest possible protections as soon as you can. Humans' recreational desires or the financial inconvenience to shippers is of trivial importance compared to the Orca's survival.

thank you,

Michael A. Jacobs Ph.D.
1422 34th Ave
Seattle WA 98122
FAX: 206-323-6993
Cell: 206-778-3697
DNAmj@yahoo.com

Subject: Plan Suggestions

From: James Scancella <jscancella@earthlink.net>

Date: Mon, 28 Sep 2009 16:31:53 -0700

To: Orca.Plan@noaa.gov

To whom it may concern,
Let the record show that I support the Be Whale Wise guide lines for the new
proposed Orca viewing law.
Jim Scancella

Subject: YES on Protecting the Orcas
From: Marnie Jones <thrival@comcast.net>
Date: Mon, 11 Jan 2010 17:11:23 -0800
To: Orca.Plan@noaa.gov

STATEMENT in Response to New Orca Regulations:

I am a sailor and love it when orcas come near to my boat. AND, I am VERY MUCH IN FAVOR of any regulations which protect the orcas, even if I need to be further away and can't get that closer look.

On Vashon, we have heard that a closer look can be had from the beach at Point Robinson. Good. I'll go there.

Orcas are highly sensitive and use their echolocation for finding and catching their prey. Noise is a huge problem for orcas, so will there be studies done on how much is too much? Might a boat under sail cause very little problem while a noisy powerboat sends horrid noise for a mile? Those terribly invasive noise-makers may be causing other damage to more than just the orcas. What about the salmon, the birds AND, the humans?

A few years back, I borrowed a hydrophone and tried to get some recordings of orcas in the San Juans. There were submarines and all sorts of unidentifiable noises - a veritable cacaphony underwater! No orcas, I'm afraid. I wonder how much noise Puget Sound is subject to...

SUGGESTION:

Every boat over a certain size and with an engine must be registered once a year. Why not send or give each owner the new guidelines when they register? I have a feeling most people who go too close might not know the regulations.

AND, A QUESTION:

How can you tell what 100 or 200 yards looks like? It is exceedingly difficult to calculate distances over the water. Do you have any techniques?

Thanks for your attention.

Marnie Jones-Koenig
23030 Vashon Hwy SW
Vashon, WA 98070
thrival@comcast.net
(206)579-8994

Subject: San Juan vessel regulation comments

From: Jim Gizzi <jagizzi@gmail.com>

Date: Fri, 15 Jan 2010 07:45:33 -0800

To: Lynne.Barre@noaa.gov

I do not see a link to make public comments on the proposed new regulations.

We spent a week on San Juan Island. It was exceptional in that every day we saw multiple pods of Orca. It was frustrating in that every day we also saw vessels encroaching on the pods. These were not isolated incidents. Every pod had boats tracking them, crossing their path, or parking in their path.

The whales avoided the boats but it was disheartening to see some of the vessels making way directly over the Orca at high speed. Had a whale surfaced it would have been killed or severely injured.

We also noticed that the whale watching boats maintained their distance and did not cross the paths of the whales. It was always private vessels, cruisers and fishermen.

My daughter, 8 years old, was able to see the implications of the many boats in proximity to the many whales. This is not rocket science. The pressure was heavy and unending. The rules need to be strengthened for the sake of the wildlife, not adjusted to accommodate the scores of people watching them from ever shrinking distances.

The whales are trying to survive, the people are on vacation. Survival should trump vacation.

Jim Gizzi
6804 NE 209th St.
Battle Ground, WA 98604

360 687-0386

Subject: regulations on vessle effects

From: Kalexandra@comcast.net

Date: Wed, 23 Sep 2009 09:26:37 -0700

To: Orca.Plan@noaa.gov

I support the stricter NOAA regulations. Survival is becoming more and more difficult for the Orcas, what with pollution, food supply depletion, and Navy sonar. There are far too many whale watching boats. They get too close, make too much noise, disrupt travel patterns. In an effort to give their passengers a bigger thrill, they are contributing to the decline of the killer whales.

I hope you will ensure strong, well enforced, stricter regulations to protect these mammals.

Kathryn Alexandra

Subject: Public Comment: Proposed Vessel Regulations
From: Sam Carbery <Moonfyrestorm@hotmail.com>
Date: Wed, 23 Sep 2009 21:35:01 -0400 (EDT)
To: Orca.Plan@noaa.gov

NOAA Orca Recovery
NOAA

Dear NOAA and Director Jan Lubchenco,

To whom it may concern-

Save the Orcas! Forcing a species into endangerment and extinction is a high offense. Please help in the effort to save the Orcas (And any/all life, for that matter). Humans have caused endless problems for the world and it's time we start to fix them. The proposed safety precautions are nothing compared to our debt with Mother Nature; we must learn from our mistakes if we're going to conserve anything on this planet.

The details matter. Take action today so that there is never a "too late".

-Sam Carbery

Sam Carbery
Nathan Lord Rd
Amherst , NH 03031

Subject: Vessel Regulations, my comments.
From: Rein Attemann <rattemann@pugetsound.org>
Date: Thu, 24 Sep 2009 09:17:42 -0700
To: Orca.Plan@noaa.gov

Dear NOAA,

Like so many people, I have been very taken with the Orcas. Several years ago, I went out on a whale watching boat. The boat stopped as it was supposed to, a good distance from the whales. And the whales swam up to the boat. They are friendly and giving of themselves, and people love them for that. At the same time, we have been polluting their environment to the extent that they have been dying. You can see the irony in this. We have got to stop polluting, and to begin healing our ecosystem in a holistic way, respecting the Orcas' food supply and their need to communicate by sonar. Thank you for your attention to this urgent matter. It is of great importance to the people of the world, and in particular to the people who live in and around Puget Sound.

Thanks and best wishes,

Sharon Abreu
Executive Director
Irthlingz Arts-Based Environmental Education 501(c)(3)
POB 969, Eastsound, WA 98245
(360) 376-5773
www.irthlingz.org <<http://www.irthlingz.org/>>
www.PenguinsOnThinIce.com <<http://www.penguinsonthinice.com/>> - climate change
musical revue

Subject: Public Comment: Proposed Vessel Regulations
From: David Woodruff <dwoodruff@gmail.com>
Date: Thu, 24 Sep 2009 18:09:11 -0400 (EDT)
To: Orca.Plan@noaa.gov

NOAA Orca Recovery
NOAA

Dear NOAA and Director Jan Lubchenco,

I encourage NOAA to quickly do all that is possible within the power of the agency to protect all of the Puget Sound Orca population. Thank you.

Dave Woodruff
Port Townsend

David Woodruff
1633 Waters street #8
Port Townsend , WA 98368

Subject: Restrictions on approaching Orcas
From: Judy Hammer <jh_98221@yahoo.com>
Date: Sat, 10 Oct 2009 22:44:27 -0700 (PDT)
To: Orca.Plan@noaa.gov

Please do whatever it takes to keep Orcas safe and flourishing in Puget Sound waters. I, myself, have enjoyed whale-watching tours over the years. It is a privilege to observe these magnificent animals in their natural habitat -- at a distance that keeps them safe. Please vote for the new regulations. Thank you.

Judy Hammer
Anacortes, WA 98221
jh_98221@yahoo.com

Subject: Important considerations on the NOAA Fisheries proposed Orca/Vessel Regulations
From: Nancy Morris <morriscode@w-link.net>
Date: Fri, 15 Jan 2010 16:12:29 -0800
To: Orca.Plan@noaa.gov

Dear NOAA:

There is a great need to enforce the regulations/guidelines that are already on the books; adding newer regulations without an enforcement budget will not serve anyone, especially the Orca whales. As you know, enforcement and Sound Watch are both poorly funded and continue to be cut annually.

What we need to emphasize is the need for funding to cover adequate enforcement and educational programs, with perhaps only a minor expansion on the no-go zone. (What NOAA has currently proposed will be impossible to enforce).

The most serious threats to the Orca populations are the tremendous toxicant exposures these whales are receiving in a dying Puget Sound due to high levels of PCBs, pesticides, PTBEs, and other serious chemical and heavy metal threats. This includes exposures from contaminants when the Orcas eat their salmon prey whose own populations are dwindling.

Although there is a need for serious enforcement of existing laws to protect the whales, we need to immediately start focusing on a much more sincere and intense conviction to save our Puget Sound from toxic chemical threats and improve the dwindling salmon in Puget Sound; this will save the northwest Orca population now and in the future.

Nancy Morris
PO Box 60096
Seattle, WA 98160
206-533-6155

Subject: new proposed guideline
From: C MC <mc.mcb@hotmail.com>
Date: Fri, 15 Jan 2010 23:06:58 -0600
To: Orca.Plan@noaa.gov

With the deadline fast approaching, I would like to just throw a few things into the mix. My thoughts on this matter has basically come from the visit to San Juan Island this past summer where we were treated to five magnificent days of viewing the whales from the shoreline. We were treated to seeing the whales at least twice during each day from various points on the island.

Not only were we able to view the whales but also had the chance to watch the boat traffic that come into play when they were around. Be it the Whale Tour Operators or the private boats, definite thoughts certainly came to mind.

On about the second day as I watched the whales, I came to a fervent conclusion that the tour boats were just like Paparazzi. Although the activity around the whales were on the most part were in accordance with current guidelines, some of the boats activity involved repositioning to be in the whales path or following them as they were on the move.

The private recreational boaters that seemingly knew of the whales presence, paid no heed and just kept heading straight for the whales.

I thought perhaps it would be neat to Kayak and maybe have a chance close encounter with the whales but in seeing how these companies work, where they basically situate themselves in the water and conveniently row out right into the path of the oncoming whales, I knew it wasn't the right thing to do.

I think that we as humans have to quit being so selfish and start respecting the different species that we share our planet with. It is a priviledge to be on the water with these animals and I think the rules are taken too lightly and this is for our interest, not the whales. It has to be turned around.

We can't tell for sure what disturbance from the boats is happening under the water but one can surmise that quite possibly there is. As well, when they are eating or in a resting line obviously the quality of each activity is compromised when the boats are around.

Give the whales the benefit of the doubt and increase the distance for viewing, with today's camera's and binoculars, there is no real reason to have to get up close and personal.

If for whatever reason that an agreement can't be made to increase it or keep it as is, then may going half way to 150 yards would be possible...for the sake of the whales.

C. McBride

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Subject: Orca Recovery Plan
From: Becky & Charles Cox <cgcox@nwlinc.com>
Date: Fri, 15 Jan 2010 22:16:29 -0800
To: Orca.Plan@noaa.gov

To Officials of NOAA:

I wish to add my voice in support of the proposed rules for the protection of Orcas on the west side of San Juan Island as well as the protection of the Southern Resident Population. I believe that the Southern Resident Population is in greater danger due to the heavy freighter traffic in the area and the general poor health of Puget Sound waters in the southern region. Every effort must be taken to give the Orcas the greatest room to breed, feed and thrive.

Sincerely,

Becky T. Cox
15725 25th SW
Burien, WA 98166

206-243-4236

Subject: Regarding the letters from Lynn Danaher
From: MaryBobnLola <marvista@rockisland.com>
Date: Fri, 11 Sep 2009 11:38:17 -0700
To: Lynne.Barre@noaa.gov, Orca.Plan@noaa.gov
CC: MaryBobnLola <marvista@rockisland.com>

Dear Lynn,

Regarding the orca on the west side of San Juan Island and the whale boat industry.

I am living at Mar Vista which is just at the opening to False Bay on the west side of San Juan. I have been watching the whales and unfortunately the whale watching boats for the last 11 seasons.

The idea that Lynn Danaher believes and stated

" I have watched this industry grow, prosper but more importantly **take full responsibility for their actions around the whales.** " AND " The **whale watch vessels set a standard of behavior** around the whales, for private boaters to learn from and they also pass out wildlife viewing guidelines. They are an active **voluntary enforcement element** throughout the San Juans".

THIS IS LUDICROUS!

I have witnessed blatant disregard of the rules by countless whale boat charters. They know that there is rarely enforcement out here and therefore continue to follow too close, leap frog and even get between the land and the pods. This happens more often than not! The few times that enforcement is present out here, the tour boat operators behave properly (so I do realize that they DO understand the rules)...

The idea of self policing is ridiculous.

I think strong enforcement with heavy fines to cover the cost of the enforcement, limiting the tour boats, and pulling licenses for repeat offenders would be ideal.

Thanks for your time. If you have any questions please feel free to call me. 360 378-5029.

Mary Elford

Subject: Orca plan

From: Nancy Murphy <nancy@nmurphy.net>

Date: Sun, 10 Jan 2010 08:59:22 -0800

To: Orca.Plan@noaa.gov

I fully support the new Orca regulations. –Nancy Murphy, 23605 Vashon Highway, Vashon Island, WA

Subject: Orca Protection
From: MomJWR@aol.com
Date: Sun, 10 Jan 2010 16:33:58 -0500 (EST)
To: Orca.Plan@noaa.gov

I am a homeowner on Maury/Vashon Island, WA and am most interested in preserving and protecting the pods of Orcas that swim in the waters that surround our island. I am also a boat owner and have witnessed the threat that sea vessels (both commercial and pleasure) present to the natural migratory activities of the Orcas.

Please consider imposing strict restrictions/regulations on sea vessels that would be beneficial to the protection of the Orcas.

Thank you,
Jane Raish
7707 SW 259th St.
Vashon, WA 98070

Subject: Feedback on the new Orca Rules

From: Mike Harrington <mike@picnik.com>

Date: Sun, 06 Sep 2009 20:07:17 -0500

To: "Lynne.Barre@noaa.gov" <Lynne.Barre@noaa.gov>, "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

I'm excited to see the new Orca rules go live. As a resident of SW San Juan Island, I see regular abuse of the whale watch guidelines and setbacks. I have seen repeated violations by both private and commercial vessels on a regular basis. Just today, I watch two Canadian operators pass between the whales and the shore where they whales were only about 1/4 off shore. The water was rough, so they decided to break the rules in order to give their customers a smooth ride. These commercial operators can not be trusted to police themselves. I'm sure that it's safe to say that neither boat reported the other to the Whale Watch Operator Association or any other appropriate entity.

Please don't be swayed by the vocal minority of the whale watch operators. I'm assuming that your charter is to protect an endangered species, not protect small tourism businesses that didn't exist 10 years ago. Good luck!

Mike Harrington
535 MacGinitie Road
Friday Harbor, WA 98250
360 378 9603

Subject: Protect our neighbors--the Orcas!

From: Edeen <edeem@comcast.net>

Date: Sun, 10 Jan 2010 14:24:21 -0800

To: Orca.Plan@noaa.gov

Please, please set up the needed regulations to further protect this rare and wonderful species. They are so vulnerable to every marine activity in our inland waters.

Remember: We are not alone but we, human population, have the moral obligation to use our powers to protect all other creatures. We, living in and on the Puget Sound have the Orcas as our responsibility.

Edeen M. Parrish
Vashon Island, WA
206 529 4976

Subject: comments on orcas and whale watching
From: Jamie Rivet <jriv@sympatico.ca>
Date: Mon, 07 Sep 2009 00:04:52 -0400
To: Orca.Plan@noaa.gov

To whom it may concern,

I am very concerned about the state of orcas off the Canadian and US coast. I have learned from Peter Hamilton at Lifeforce (based in BC) that the whale watching industry is putting these creatures in danger and at risk. This is of course ironic; once the orcas are gone, so is their business.

Here is what must be done:

1. Both Canada and the US must implement the same stricter laws to protect transboundary orcas.
2. The 200 yards should be 400 yards as recommended when companies are watching nursing orcas.
3. There must be No Whale Watch Zones, such as Active Pass, in high boat traffic locations.
4. There can be Whale Watch Zones where designated locations are defined to stop companies from continuously following them all day long.
5. In addition to the San Juan Islands, No Go Zones should include the Point Roberts, WA shoreline where orcas forage.
6. Time limits of maximum 30 minutes must be implemented. Presently companies can be on the orcas for two hours or longer.
7. Weather restrictions must include no whale watching during fog and stormy conditions. Commercial boats can't see the orcas and could hit them!
8. There should be government licensing of whale watch companies. This would include a restriction on the number of licenses issued.
9. There should be training of whale watch operators and ECO Certification of those in good standing.
10. Governments should promote land-based whale watching such as Lifeforce's Orca Trails.

I hope you will move swiftly to put the above regulations and policies in place and work to co-exist with nature.

Sincerely,

Jamie Rivet

133 Charlton Ave.

Thornhill, ON

L4J 6W5

905 738 7518

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Subject: Orca

From: Wolftown <wolftown@centurytel.net>

Date: Sun, 10 Jan 2010 03:57:37 -0800

To: Orca.Plan@noaa.gov

Good Job Noaa!

We here at Wolftown thank you for providing much needed protection to Orcas from boats and other marine traffic.

Wolftown has taught for many years that the stress that humanity places on wildlife by continued close contact is detrimental to their health.

That is why when we work with wildlife we backtrack and use other suitable strategies to keep track of released wildlife.

Thank you again

T Martino Yamamoto
Wolftown

Subject: proposed orca regulations
From: Pat Herbert <sequoia592000@yahoo.com>
Date: Sun, 10 Jan 2010 15:43:28 -0800 (PST)
To: Orca.Plan@noaa.gov

Yes, I'm in favor of the new proposed orca regulations regarding vessel travel around them: (1) prohibiting vessels within 200 yards or intercepting or parking in their path, (2) vessels staying 1/2 mile wide "no go" zone on west side of San Juan Islands from May thru September, and whatever else is recommended. Thank you. Pat Herbert

Subject: Vessel regulations--SRKW
From: Gretchen Mueller <gmueller@brandexplore.com>
Date: Thu, 14 Jan 2010 18:30:16 -0800 (PST)
To: Orca.Plan@noaa.gov

Dear NOAA:

I believe I have registered comments in the past, but as the deadline is approaching, I thought I would weigh in once again to make sure my voice counts in this round of comments.

I am in favor of NOAA's tighter regulations on vessels in the Southern Resident Killer Whales' summer habitat. We must take great steps to save the whales and the salmon now before it is too late. Opponents who say the new no-go zones and distance rules will adversely effect the economy of the San Juan Islands are failing to think about what will happen to our economy if there are NO whales at all. Further, if all boats (commercial, whale watching, and private vessels, including kayaks) must follow the same regulations, I believe tourists will still pay to take the kayak and boating whale watching trips. Our tourist visitors don't have the same chance to get close to the whales at home--whether they are 200 or 400 yards a way, it's still an awesome experience and one that I am confident visitors will continue to pay to have.

Please, though, make sure that any regulations are backed up with enforcement.

Thanks so much for all you do for our environment!

Gretchen Mueller
Friday Harbor and Seattle, WA

Gretchen K Mueller
Brand Explorations
Ph 888-828-2874

Subject: new rules for orcas protection
From: Roger <renewby@centurytel.net>
Date: Sun, 10 Jan 2010 06:05:30 -0800
To: Orca.Plan@noaa.gov

I am very pleased to hear that the orcas are going to be better protected in the Puget Sound. They are one of the beauty of our region and worth to protect them.

Thank you and best regards,

Emma Newby-Letestu

Subject: Proposed Orca Regulations
From: Shannon H <sh2424@gmail.com>
Date: Sun, 10 Jan 2010 08:51:05 -0800
To: Orca.Plan@noaa.gov

I support the proposed rules that would prohibit vessels of any kind from coming within 200 yards of the whales or deliberately intercepting or parking in their path and would set up a half-mile-wide no-go zone along the west side of San Juan Island from May through the end of September where no vessels would be allowed.

We should do everything we can to provide these great creatures with a safe and undisturbed environment in which to live.

Thank you for your consideration.

Shannon Healey
900 Fremont St #2
Menlo Park, CA 94025

Subject:

From: ctrevellyan@comcast.net

Date: Sun, 10 Jan 2010 02:53:34 +0000 (UTC)

To: Orca.Plan@noaa.gov

We heartily support the new proposed legislation for orca protection.
Vernon, Christine, Sarah, Laura Trevellyan

Subject: proposed regulations to protect orcas
From: Julia Lakey <jlakey@centurytel.net>
Date: Sat, 09 Jan 2010 19:00:08 -0800
To: Orca.Plan@noaa.gov

Please implement the proposed regulations that would restrict vessel traffic in key habitat areas.

2008 was a disastrous year for local pods with 8 deaths. I appreciate your carefully considered regulations that can help protect this species locally.

Julia Lakey
Vashon Island, Wa

Subject: Orca v vessels proposed guidelines
From: Nancy Paul <consciouschoices@yahoo.com>
Date: Sat, 09 Jan 2010 19:30:55 -0800 (PST)
To: Orca.Plan@noaa.gov

I fully applaud and support your proposed guidelines limiting vessel contact with Orcas. You have my vote!!!

Nancy Paul, M.A., L.MFT, L.MHC
E-mail: consciouschoices@yahoo.com
Web site: www.TherapyWorks.ws
Conscious Choices Counseling
(253) 874 6528

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Subject: Proposed laws for orcas
From: cestevenin@comcast.net
Date: Sun, 10 Jan 2010 05:33:24 +0000 (UTC)
To: Orca.Plan@noaa.gov

To whom it may concern:

I would like to voice my support for the proposed rules concerning the protection of the Killer whales in Puget Sound being made law.

The first step of protection was listing the species on the Endangered list, but we need to go further to protect these animals. I support the decision to prohibit vessels from approaching the whales within 200 yards, placing one's vessel in the path of the whales and adding a half mile wide no-go zone off the west side of San Juan Islands during the season that the whales are off the coast.

Thank you for taking my voice into consideration.

Courtney Estevenin
27434 Sandy Shores Dr SW,
Vashon, WA 98070
206-463-4151

Subject: New Orca Protection Rules
From: TERRENCE JANSEN <tjansen37@comcast.net>
Date: Sat, 09 Jan 2010 22:39:11 -0800
To: Orca.Plan@noaa.gov

We support the new proposed protection rules
Terry and Barb Jansen
7329 SW MAURY PARK RD
VASHON ISLAND , WA 98070

From: kim secunda <kimsecunda21@yahoo.com>

Date: Wed, 13 Jan 2010 19:21:51 -0800 (PST)

To: Orca.Plan@noaa.gov

I strongly support your plan to keep long distance from the orcas. Please stay firm in your plan. Short term economic loss is not too high a price. You can't buy orcas. Everything we can do to lessen negative impact is good. Please be confident in your efforts. Thank You.

Subject: Comment on Proposed Orca Plan
From: Jill Murray <jls_murray@yahoo.com>
Date: Thu, 14 Jan 2010 08:57:43 -0800 (PST)
To: Orca.Plan@noaa.gov

Attention NOAA:

I support the rules proposed by NOAA that would create a refuge (conservation area) for southern resident killer whales along the west side of San Juan Island. I support a precautionary approach that keeps boats away from the whales while their population rebounds. I support-science based rules that have adaptive management integrated to adjust the regulations as additional data are gathered.

Sincerely,
Jill Murray, Ph.D.

Subject: Comments

From: Betty Carteret <sydster2@wavecable.com>

Date: Mon, 11 Jan 2010 09:22:42 -0800

To: Orca.Plan@noaa.gov

I strongly support your rule changes to protect our Orca populations. As a WSU Beach Watcher, I am very concerned about the threats both environmental and human to our marine habitats and wildlife. This type of restrictions should be pursued to try and help struggling populations of whales of all types.

Betty Carteret

14786 Entner Lane

Anacortes, WA 98221

(360) 299-8553

sydster2@wavecable.com

Subject: Vessel regulations for orca protection under ESA and MMPA

From: Pat Collier <pcollier000@centurytel.net>

Date: Thu, 14 Jan 2010 15:43:15 -0800

To: Lynne.Barre@noaa.gov, Orca.Plan@noaa.gov

Lynne Barre
Northwest Regional Office
and
Trevor Spradlin
Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

Re: DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration
50 CFR Part 224
RIN 0648-AV15
Protective Regulations for Killer
Whales in the Northwest Region Under
the Endangered Species Act and
Marine Mammal Protection Act

Dear Ms. Barre and Mr. Spradlin,

Thank you for this opportunity to comment on the proposed vessel regulations to protect Southern Resident Orcas (SRO).

I've owned waterfront property on Puget Sound since 1966. My first sighting of orcas was from the first home the first Christmas morning when a new neighbor ran up to the door to tell me to look out at the water. The wonderful thrill of seeing them continues to this day each and every time I see them.

These awesome creatures should be protected not only for the joy they bring to us humans but, more importantly, because these whales are an integral part of the ecosystem and are a sentinel species - whose health is an indicator for the overall ecological health of the marine environment.

Removing or reducing the known threats to the endangered SRO, of reduced prey availability and contaminants, are likely to take a long time. Vessel traffic, another threat, exacerbates these threats. Vessel traffic - recreational as well as commercial- is likely to increase with the increasing human population. Strict regulation of vessel traffic will be of immediate benefit to SRO.

Strict regulation, rather than only boating operator education and voluntary compliance is obviously needed since noncompliance and/or numbers of boaters is ongoing and increasing. This is not to say efforts to educate boaters should not be continued. Public information should be increased in conjunction with rigorous enforcement of stricter regulations and stiffer penalties for noncompliance.

Protective regulation of vessels should be stronger than those proposed. Except for moving in established shipping lanes, tug boats and other vessels should not be allowed to operate within nearshore areas such as the Maury Island Aquatic Reserve during the fall and winter months when the SRO are present. Tug boats and other commercial vessels in the established shipping lanes are generally passing through the area and present for only a short time. Tugs operating outside the shipping lanes and/or in the nearshore may be present for several hours thus more likely to disrupt important SRO behaviors such as nursing, feeding, and/or resting. Such continued presence of vessels in a nearshore area may cause SRO to relocate to other areas or to abandon an usual area. Prey availability for SRO would thus be further decreased while energy expenditure is increased.

Please include these comments as part of the public record for this proposed rule.

Thank you.

Sincerely,

Pat Collier
POB 574
Vashon Island, WA 98070
206 463 3552
pcollier000@centurytel.net

comments - vessel reg.pdf	Content-Type: application/pdf Content-Encoding: base64
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Subject: SRKW comment

From: Ardi Kveven <orcardi@gmail.com>

Date: Fri, 15 Jan 2010 18:10:19 -0800

To: Lynne.Barre@noaa.gov

Hey Lynne,

I got this returned from the orcalist email. thanks

This population needs to have every effort made to protect them from extinction. Regardless of whether or not the no approach zone expands from 100m to 200m, I would advocate for enforcement. With fewer than four citations issued, the expansion is a mute point if there are no teeth behind it. Though the Whale Watch Association criticized the best available science (and then provided their own "surveys" of how their clientele would not come if they couldn't get close), there will be no whale watching if there are no whales. The whale watching industry originated after a collapse in commercial salmon fishing in the Salish Sea. Creative, flexible thinkers came up with a way to earn money on the water with the vessels they owned by transitioning from fishing to whale watching. It's time they apply that same industriousness to helping the species they watch. Humans are notorious for driving every large mammal extinct and we fail to learn from previous extinctions. By only valuing the Southern Residents economically to preserve an industry that is contributing to their extinction is extremely short sighted.

Thank you,

--

Ardi Kveven

--

Ardi Kveven

Subject: orca protection rules being proposed by the National Marine Fisheries Services

From: Jessica Lisovsky <triling@mindspring.com>

Date: Sun, 17 Jan 2010 16:26:00 -0800

To: Orca.Plan@noaa.gov

I strongly support more protection for the Southern Resident orca whales in Puget Sound. We have been losing killer whales for years. While there are various causes for the decline--lack of prey, degraded water quality--biologists seem to agree that vessel traffic may be also to blame for the population loss. It just makes sense to give these majestic creatures as much space as possible and try to minimize the boat noise we know interferes with their sonar.

Thank you for your consideration.

Sincerely,
Jessica Lisovsky
JW Turner
23329 67th Ln SW
Vashon, WA

Subject: additional comments
From: Monica Harrington <monica@picnik.com>
Date: Sat, 26 Sep 2009 22:47:25 -0500
To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>
CC: "lmapes@seattletimes.com" <lmapes@seattletimes.com>

I have previously submitted comments on the plan. However, I want to make you aware of my blog post since at least one person (Carole May) is responding to it in her comments to you, as she makes clear in her post on

<http://www.examiner.com/x-15967-Puget-Sound-Marine-Life-Examiner~y2009m9d20-NOAA---New-Proposed-1>

In the interest of transparency, here is my blog, entitled: "How We Killed the Killer Whales – A Failure of Capitalism." If I had Carole's email, I would quite willingly copy her on this exchange.

<http://socialinnovationperspectives.blogspot.com/2009/09/how-we-killed-killer-whales-failure-of.html>

I would also emphasize that the owner of Mystic Sea Charters, whose boat can be seen in the picture at the top of my blog in very close proximity to the whales, and who Carole refers to in her own blog post, was recently featured in the Everett Herald Net, essentially making the point (outrageously, in my opinion) that there is already very adequate enforcement. An excerpt from that article follows:

Responsible whale-watching groups have followed orca-friendly guidelines for years, said Monte Hughes, owner of Mystic Sea Charters in Anacortes, which runs whale-watching trips.

Hughes said police boats from many jurisdictions are in the water every day enforcing the current rules.

"There's many days out there we have more enforcement boats than we've had whale-watch boats," Hughes said.

Here is a link to the complete post:

<http://www.heraldnet.com/article/20090809/NEWS01/708099834/1005/BIZ>

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SOCIAL INNOVATION PERSPECTIVES

FRIDAY, SEPTEMBER 25, 2009

How We Killed the Killer Whales - A Failure of Capitalism



I love capitalism. When it works, it's great. But boy, when it fails - wow, it fails spectacularly. Nowhere is this more evident than in the tortured saga of the endangered killer whales of the San Juan Islands.

The Southern Resident killer whales are a unique species officially listed as an endangered species under the ESA act of 1973. There are only 85 of them in the world. Right now, special interest groups are working to gut proposed rules that would give these intelligent social animals - all part of an extended family - a chance to survive. All in the name of unrestrained capitalism.

The orca whales haven't always been seen as a revenue source. A few decades ago, they were viewed mainly in term of competition for salmon and were routinely shot at by fishermen and anyone else on the water who had a gun. Then came the discovery that these whales were not killers, but intelligent marine mammals who were very social and when removed from their pods, would "play" with humans and even perform tricks.

Soon the whales became targets of business interests with a voracious appetite. Almost half the population was captured or killed in order to entertain us from pens in marine parks around the world. Under the committed leadership of Republican Ralph Munro, the direct capture and killing was stopped. The orca became a symbol of pride in Washington State.

Then the slow torture began. The first whale watching boats started to appear, and for several years it was low key. Visitors on the few whale watching boats would search for the whales and often be rewarded with a closeup show. Then "Free Willy" came out and the cash really started to flow. More people wanted in. The number of whale watching boats mushroomed.

Today there are more whale watching boats chasing around after the whales than there are whales to be chased. In the morning, a plane goes up to find the whales, radios to the fleet, and the whale watching boats converge.

The science shows that in the presence of boats, the whales show distinct signs of stress. Respiration gets faster, dive times get longer, and their ability to find food gets dramatically impaired. Since the whales travel in smaller groups or pods, on a busy day, more than a hundred boats have been recorded surrounding a smaller group of whales. All this at a time when the science shows they're starving and when it's explicitly against the law to "pursue" an endangered species.

The industry has fought all regulation, insisting that they can police themselves and observe "voluntary" guidelines. In this they've been aided and abetted by people with good motives who fear that if the whales aren't watched constantly, we'll forget that they're here. Last year, hundreds of thousands of people piled into boats in B.C. and Washington State for the thrill of seeing whales in their natural environment.

Only it's not "natural" anymore. If you imagine a pack of Harleys chasing after a pack of endangered wolves 12 or more hours a day, you've got some sense of what this family of whales is going through. The whale watch operators market and deliver a closeup experience - all while maintaining that they respectfully observe a 100 yard distance requirement. It's a lie. (The pictures above were taken this summer from the sites of whale watch operators in good standing with the Pacific Whale Watch Association - the largest industry group.)

NOAA, which holds responsibility for developing and implementing a recovery plan for the whales, recently proposed new rules that would give the whales respite for a 1/2 mile no-go zone along the Western shore of San Juan Island. Boats would also be required to stay 200 yards away. It's not enough, and the industry folks reacted predictably. If they can't pursue the whales at close distance, business will suffer. Of course, they've had many years to prepare. (One person at a hearing on the proposed rules yesterday scoffed at the mention of distress and said within earshot and to much laughter that the extra work must be good for the whales because his own doctor had told him to exercise more.)

On a longer-term economic basis, dithering about the threat from boats makes no sense. The other identified threats to the whales - depleted salmon and a buildup of toxins - are broader ecosystem issues that affect us all and are going to take many years and hundreds of millions or even billions of dollars to solve. We only complicate things by not doing what we can now.

The whales are at a tipping point, and if we don't move forcefully soon, they'll almost certainly die out. And when that happens, they'll become not a source of pride for the San Juan Islands and Washington State, but a source of embarrassment. After all, it's hard to retain a green, clean identity when you don't do what you can to save a species that has become your iconic brand.

(And btw, you actually can help save the whales by commenting on the [proposed new rules](#) at the NOAA site - please do it soon as comments will close And for those who want to take the deep dive yourselves, please read the [broader recovery plan](#).)

Posted by Monica Harrington at [3:38 PM](#) 

Labels: [capitalism](#), [endangered species act](#), [ESA](#), [killer whale](#), [NOAA](#), [orca](#), [proposed rules](#)

Subject: Comments about boating regulations in Orcas territory

From: lynn brevig <lynninseattle@yahoo.com>

Date: Thu, 21 Jan 2010 18:37:35 -0800 (PST)

To: Orca.Plan@noaa.gov

Is it too late to submit a comment.

I am very familiar with the issues surrounding our Southern Resident Orcas and I support efforts to propose that boats cannot legally go closer than 200 yards of where any of them are. (though I do not know how these new rules would be enforced or what penalty for those that disregard these rules).

I also agree with a No GO zone on the West side of San Juan Island during the months that the Orcas are there most all the time.

I o, however, see no reason why Kayakers should follow the same rules as noise and petro chemical polluting boats. I feel that it is very important that there is a way for people to make a strong connection with the Orcas if the Orcas choose to get near them , as the Orcas often DO choose to do. These close encounters are what cause people to fall into love and awe with the Orcas and this is exactly what is needed to get humans to really understand the full beauty, power and communicative ability these Orcas possess. These close encounters last a lifetime for people and they are more prone to devote themselves to the cause of protecting the Orcas and their habitats because of this personal connection. Kayakers should have rules, but less stringent than other boaters.

Thank You for hearing my thoughts on this Extremely Important issue. My encounters with whales from boats and from land have caused me to study and work on their behalf for many years now.

Sincerely,

Lynn Brevig

Seattle

Artist/ NATuralist and Teacher

Subject: comment on proposed new rules
From: Denise Coburn <tdcoburn@hotmail.com>
Date: Wed, 13 Jan 2010 20:11:10 -0700
To: <orca.plan@hoaa.gov>

To Whom It May Concern:

I wish to comment on the new proposed restrictions regarding the distance that whale-watching boats must maintain from resident whale populations in Puget Sound and the Strait of Georgia. I have a home that is on the south side Pt. Whitehorn in Whatcom County and fronts the Strait of Georgia. On many occasions I have witnessed whale-watching boats "chase" pods of orca whales in the Strait. Some of them are from Canada, and some are from the U.S. The boats have also been seen speeding ahead of the whales and parking in their path. They also frequently travel along with the pods, many times appearing to be closer than the current restrictions allow. I would very much be in favor of increasing the distance that boats must maintain from the resident whales. The Orcas are an irreplaceable treasure, and the preservation of their population is at a critical juncture. We are the gate-keepers, and it would be irresponsible of us to allow potential harm to them by not enforcing stricter guidelines regarding boat traffic in their waters. Thank you for your time and your efforts!

Sincerely,

T. Denise Coburn
120 Sea Pines Rd
Bellingham, WA 98229
360-441-2700

Hotmail: Free, trusted and rich email service. [Get it now.](#)

ATT00001

Subject: My comments on the Orca protection plan

From: Sherry Scott <sscott@cjarchs.com>

Date: Wed, 02 Sep 2009 12:20:12 -0700

To: Orca.Plan@noaa.gov

NOAA,

As an outdoor enthusiast and nature lover, I am concerned about the plight of the endangered Orca whales. I encourage the protection of the whales from motorized boats and sonar I am uncertain how the new restrictions will affect kayaking along the San Juan Islands. I recently did a 3 day kayak trip in the area where I witnessed high-speed whale watching boats tailing whale pods which does seem disruptive to feeding and migration. However, I believe that human-powered kayaks have very low impact on whales as there is no pollution, no engine noise, and definitely no ability to tail or intercept pods at the low speeds kayaks travel.

On the contrary, the kayaking trip was what alerted me to the plight of the Orcas. Our guide was very well informed about migration, resident vs. transit pods, affects of pollution of life expectancy... and on and on. I believe that human powered activities such as kayaking actually encourages sensitivity to marine mammals and can educate more of the general population on the affects that humans have on the environment. There really is no substitute for getting outside and seeing habitat and wildlife first hand and I think that human powered activities such as kayaking help rather than hurt conservation efforts.

I do not live in the Seattle area so I will not attend the Sept. 30 meeting, but I hope that my comments will be part of the public comment record.

Thank you for your attention,

Sherry Scott

Sherry Scott, LEED AP

Christiani Johnson Architects, Inc.

665 Third Street, Suite 350

San Francisco, CA 94107

p: (415) 243-9484 x15

f: (415) 243-9485

sscott@cjarchs.com

www.cjarchs.com

Subject: kayak ban on SJ Westside

From: marshall davis <we-i@centurytel.net>

Date: Tue, 18 Aug 2009 18:34:35 -0700

To: Orca.Plan@noaa.gov

Hi there,

I've lived on San Juan Island since '84, have helped out the Whale Museum, known the Balcombs and have always been concerned for the whale's well being. I'm opposed to the kayak ban, but would support a ban on engine use within that half mile. Kayaks are quiet, unobtrusive, slow moving and an environmentally responsible way to enjoy this beautiful area. I also feel that not allowing kayakers near the shore creates safety issues.

Thank you for your consideration,
Marshall Davis

Subject: San Juan Island plan
From: Anita Bernahl Macpherson <anitabernahl@msn.com>
Date: Wed, 19 Aug 2009 12:23:41 -0700
To: Orca.Plan@noaa.gov

Hello,

I worked with a whale watching company on San Juan Island in 2000. I support a your plans to remove motorize boat access to the west side of San Juan Island. It would be easy to monitor the violators and enforce regulations for a protected area.

I also think limiting the kayak access to the west side of the island. However, I think the limits should exist for kayak companies, both tour and rental. It should regulate the number of kayak in groups and the number of groups that a company can have out. A larger ban may hurt individual tourists and island residents.

Thank you,
Anita

Subject: Comment on proposed "Regulations to protect killer whales from vessel effects"

From: Dan Styer <Dan.Styer@oberlin.edu>

Date: Mon, 24 Aug 2009 15:32:35 -0400

To: Orca.Plan@noaa.gov

Comment on proposed

"Regulations to protect killer whales from vessel effects"

[Docket No. 070821475-81493-01; Federal Register 29 July 2009]

To: orca.plan@noaa.gov

From: Daniel F. Styer, Oberlin, Ohio

Date: 24 August 2009

The proposed rule and draft EA ("New Regulations to Protect Killer Whales from Vessel Effects in Inland Waters of Washington" dated January 2009) are fact-based and well-reasoned, with one exception.

On page 37675 of the Federal Register, firm evidence is presented documenting the effects on orcas of high-frequency sound and of collisions with turning propeller blades. But when the discussion turns to kayaks (page 37679) it becomes purely speculative, rather than fact-based: "they [kayaks] ***may*** startle whales", "***some*** kayakers ***may*** be less likely to follow rules" (emphasis added). Then it turns to a discussion involving, not orcas, but dolphins!! (While dolphins and orcas are members of the same family -- namely Delphinidae -- it's also true that humans and orangutans are members of the same family -- namely Hominidae. I don't think you'd want to say that humans and orangutans react similarly to kayaks.)

The data in table 3-1 and figure 3-9 of the draft EA show that even if deleterious effects are caused by the presence of kayaks, the number of incidents involving kayaks is minute.

Finally, and amusingly, on page 37682 comes the statement that "kayakers may need to relocate to alternative launch sites". May?? Come on, fellows, kayakers ***will be forced*** to relocate to alternative launch sites. No examples of such launch sites on San Juan Island are listed, because none exist.

The draft regulation printed in the Federal Register be adopted as proposed, except that the "no-go zone" should apply to powered vessels and sailboats, but not to kayaks.

Subject: no-go zone around San Juan Island
From: Carol Olsen <ca.olsen@verizon.net>
Date: Mon, 24 Aug 2009 15:55:14 -0700
To: Orca.Plan@noaa.gov

I applaud your efforts to sustain the viability of the Orcas in Puget Sound with the new regulations; however, I do not find it sensible to prohibit kayaks or other hand-paddled small craft from the no-go zone. The kayak is the best way to view wildlife without adverse effects on the environment, and I hope that you reconsider banning kayaks in the no-go zone.

*Thanks,
Carol*

*Carol Steiner Olsen
Steiner Accounting Services, Inc.
2430 - 240th St SE
Bothell, WA 98021
425-483-1951
Fax: 425-488-8284
ca.olsen@verizon.net*

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Subject: Comments on the proposed rules regarding the Puget Sound Orca protection and changes to the boating procedure

From: Steve Masters <Steven.Masters@microsoft.com>

Date: Mon, 24 Aug 2009 17:01:44 -0700

To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

First off please understand that as a Washington resident I applaud the efforts to protect these fine animals. They need to be protected. However, I take exception to some of the proposed rules when it comes to including Kayak's in the list of vessels that are to be banned from the proposed waters.

- 1) The statement in the proposed rule that states the following - "While kayaks are small and quiet, they have the potential to disturb whales as obstacles on the surface, and they may startle whales by approaching them without being heard (Mathews 2000)." Hopefully you understand that whales navigate by sonar detection and use this to find food as small as a salmon. A Kayak is much larger than this and will be detected by the whale regardless if it is sitting still on the water or being paddled. A Kayak sitting on the water may very well be viewed similar to a floating log in the water for which there are many in the Puget Sound and for which whales have no problem avoiding. A Kayak is absolutely no threat at all to a Orca and in no case can a kayak ever give chase to a Orca similar to the power boats.
- 2) This stretch of water is the common waterway for boaters transiting to/from the Roach Harbor area on San Juan island. Expecting boaters to all understand where the boundary line is makes no reasonable sense. Also, in times when the weather kicks up boaters in small boats need to be closer to the shoreline in order to avoid being swamped by the larger waves found further out. Enacting this regulation will force those in small boats into potentially deadly waters during times in bad weather. This weather can come on suddenly and unexpectedly and as such catch a boater quickly in a very bad situation.

While I live in the Seattle area, I have a house in Friday Harbor as well. As such I spend a fair amount of time on the island. I have watched with dismay the behavior of the normal boater, especially the commercial whale watching operations. At the first sighting of whales, often by airplane, the boats will converge on the whale pods. Often these boats are coming across from Canada as the US operators are on a pretty tight schedule coming from Friday Harbor and as such can't just run out at a moment's notice. When the US commercial boats come through the whales are either there or not. The next problem is the private power boaters that may be in the area when the whales are sighted. Despite all the warnings and such they continue to push in on the whales or run right through the pods on their way to wherever they are going. This is clearly dangerous and disturbing to the Orca population.

That said, I have never seen a kayaker going out of their way to chase and harass the whales. Kayak operators are even more careful. I have seen them always raft up and attempt to get away from the oncoming whales. You have to realize that the average whale is larger than the kayak and as such most people don't want to be in a kayak all that close to a whale let alone a pod of whales. I see absolutely no sense in banning the kayak's from these waters as they pose no threat to the Orca population. It also seems relatively easy to police the kayak as there is little chance of a kayak blasting through the whales at any speed and as such a report to the authorities will make it easy to catch the offending kayaker unlike the power boat that will be long gone before anyone could respond.

| **Steve Masters** | Mobile Communications Division Bld. Studio G/3158
| Work: 425.706.9364 | Cell: 425.802.5305 or 206.954-2129
| Fax: 425.936.7329

Subject: the plans for San Juan Island's westside
From: Christopher Small <metasoarous@gmail.com>
Date: Mon, 03 Aug 2009 12:49:20 -0700
To: Orca.Plan@noaa.gov

I am writing to comment on the proposed plans regarding a no-go zone for the westside of San Juan Island. While I think that much of this plan could have a positive impact on the whale population, there are aspects that I am concerned about. Specifically, those dealing with the lumping together of kayakers in the no-go zone. There is a lack of scientific evidence that kayaking negatively affects the particular species of whales that visit the San Juan Island but is inferred from information regarding other species which have extremely different community structures. With this uncertainty in mind, it is hard to justify these restrictions in light of the significant role that kayaking and kayak tours play for the San Juan Island economy. Furthermore, the kayak tour companies on the island serve as naturalists to the tourists who come to the islands and kayak and in doing so spread information which helps to bring awareness to the situation of the whales. Removing this link in the educational system would be detrimental. Furthermore still, the allowance of commercial fishing vessels in the zone is nothing better than a slap in the face - overfishing is part of the problem which the whales face, and allowing commercial fishers to fish in the so-called "protected" zone, would be a disgrace. Please consider revising the proposed plans for this region of the San Juan island, at least until more scientific evidence has been accumulated to support it having more significantly positive impacts than negative ones. Thank you for your time.

Sincerely,

Christopher Small
Resident of San Juan Island Washington

Subject: Vessel Restrictions in Orca Critical habitat
From: Daniel Marshall <marshallonis1@yahoo.com>
Date: Mon, 03 Aug 2009 15:00:10 -0700 (PDT)
To: Orca.Plan@noaa.gov
CC: Pete Marshall <psmarshall@q.com>

Dear Sirs and Madams,

I am writing to express my support for new regulations to limit the activity of whale-watching vessels in the San Juans in general, and to qualify this support with a concern that kayaks are currently included in the regulations with the powered commercial vessels that are so obviously the real cause for concern.

First, my support for the new regulations regarding powered, commercial vessels stems from my recent experience having signed-up for a whale-watching trip aboard a powered, commercial boat (which shall remain nameless). To be clear the operators of these boats are clearly nature lovers, and intend no harm to the whales. Nevertheless, the nature of commercial competition creates a swarm of high-powered boats chasing the whales, in an atmosphere that is startlingly reminiscent of an actual whale hunt. Mandatory regulation of whale watching activities by powered vessels are clearly required, voluntary regulations serve only to disadvantage responsible operators, especially in Haro Strait, where boats from both sides of the border pursue the same whales, and the same clientele.

However, my support for new mandatory regulations does NOT extend to the proposal to include kayaks with the powered commercial boats. In the summary of the reasons for including kayaks in the proposed new rules, it cites research that concludes that in terms of disruption of normal whale behavior, the type of boat is less important than the behavior of the boat. I submit that in the case of kayaks and orcas, the type of boat dictates the behavior.

The oft-cited argument that kayaks make less noise is only part of my reasoning here. More fundamental is that kayaks are not remotely capable of the most intrusive behavior of the powered whale-watching boats, that of chasing the whales at high speed, over long distances, and then placing themselves in the whales path, to give their customers a close-up view. Kayaks travel at ~3 knots, whales travel at ~12 knots, commercial whale-watching vessels travel at ~35 knots. Kayaks move so much slower than either whales or powered, commercial vessels that including them in the same regulations is absurd on its face. Moreover, it's not even clear to me how a kayaker can be expected to abide by a regulation that he or she not place him or herself in the path of an orca pod. Kayaks are too low to the water to see orcas from very far away, too slow to move into their path and, in fact, too slow to move out of their path if they discover that they are in it. This makes criminals out of the very people who have already endeavored to protect whales, by choosing a kayak instead of a loud, high-speed, powered vessel.

The prospect of banning kayaks from large portions of the west side of San Juan Island is similarly unfair (and dangerous). Powered vessels can easily move off-shore, beyond the 1/2 mile boundary, and can rely on radar, and speed to avoid contact with other vessels, but kayaks (because they are so slow) are extremely vulnerable to strong currents, rough seas and other vessels. Forcing kayaks to stay beyond 1/2 mile from shore in Haro Strait is unsafe, and closing the west side of San Juan Island to kayak travel is unfair.

Please consider the realities of kayak travel in the final draft of these new rules. Kayakers are your most ardent supporters, your natural constituency; it would be a shame to alienate them in pursuit of your central objectives.

Thank you for taking the time to read and consider my request.

Sincerely,

Dan Marshall
3030 109th Ave SE
Bellevue, WA 98004

Subject: Proposed NOAA Regulations on closing West Side, SJI

From: pamelah <pamelah@interisland.net>

Date: Tue, 04 Aug 2009 13:36:09 -0700

To: Orca.Plan@noaa.gov

To Whom it May Concern,

I am a San Juan Island resident and enjoy going to watch the whales pass by at Lime Kiln State Park and The County Park up the road from the state park. I agree that there should be further restrictions on the motor boats that surround the whales every time they try and come down the strait. I have seen first hand how the motor boats get in their paths and make them alter where they are going and see just how many motor boats are out there trying to see them and they get way too close even with the threat of fines. The whales have declined in numbers and have altered how they travel because of the many boats and the diminished fish for them to eat. I am writing to say that although the motor boats should be dealt with in some way, the kayak boats do not pose the threat that the motors do. They are quiet and they are very respectful of the whales when they come through. There is never the amount of kayak boats or even close to the number of motor boats. Our island depends on the kayak boats for a large number of tourists each year and many island residents like to kayak on the west side and enter at the San Juan Island State Park. If they are not allowed to put in there it will seriously endanger the sport and the tourist season. There should instead of a ban on the west side, maybe some guidelines for the kayakers. I know they will follow them to continue to be able to use the west side. The west side is also a safer place to kayak then some other spots around the island. They also do wonderful education projects with their groups while out. It is not the kayakers that should be punished, it is all those motor boats who don't follow the rules that are hurting the whales. Please make some sort of exception for the kayak boats. I have seen many times with my own eyes how the kayak boats respect the whales and give them much distance and actually stop until they pass. It is the motor boats that cause all the problems. The motor boats are noisy, rude, and get way too close to the whales and get right in their path. Don't punish all for their bad behavior.

Thanks for listening,

Pamela Hutchins,
Concerned Whale Watcher and Kayak supporter

Subject: proposed regulations to protect killer whales in Washington State from the effects of various vessel activities

From: Norris & Karen Palmer <4palmer@centurytel.net>

Date: Sat, 08 Aug 2009 14:52:58 -0700

To: Orca.Plan@noaa.gov

I live on the West Side of San Juan island.

I have been here two years and have a recreational Sailboat and have been out there many times looking at Whales.

I have seen recreational boats get way to close for the thrill of seeing them.

I have seen Soundwatch try and educate boaters on their habits on viewing whales.

I have seen the whale watch industry police themselves.

I have seen lots of dollar bills flying in from Canada with no revenue going to the U.S. side.

I know lots of whale boat operators and they are pretty self policing.

I agree with the buffer zone.

I do not agree with the Kayaks included.

Your statement that they can surprise a whale because they are too quiet is not correct as the whales know where everything is from sounding always.

These are hard economic times for our Country and the economic damage this would do to Kayak firms is not good in these times.

I ask you to let the kayaks go and see what happens.

The real way to control this thing is to license the whale boat operators and fine them and take away their permit if they break the rules.

If you simply outlaw them, you will have no enforcement and no self policing.

You will only get the US operators out of the water but the Canadians are exempt without a change in the treaty so you will put our local guys out of

business but not the 200 operators they have in Canada.

Again, we are killing ourselves and giving us away to other countries who have done nothing for us.

Norris Palmer

47 Marion Place

Friday harbor WA

360 378 9500

Subject: Vessel Restrictions in Orca Critical habitat
From: Ed Sobey <sobey@verizon.net>
Date: Fri, 14 Aug 2009 08:15:38 -0700
To: Orca.Plan@noaa.gov

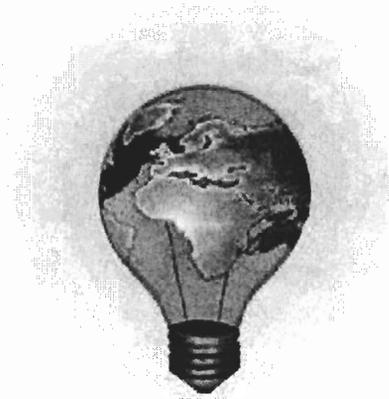
Dear sirs:

I am concerned with the potential restrictions for kayaking Orca critical habitats. A life-long conservationist and thirty year ocean kayaker I have thrilled at opportunities to share the ocean with Orcas (and Southern Rights, Grays, and Humpbacks). Experience with Orcas dating back to 1980 tells me that they pay no attention to kayaks and can so easily out-maneuver a kayak they have nothing to fear.

Lumping hand-powered boats with power or even sail boats does us a great disservice while not increasing protection for the Orcas. Further, kayak encounters with whales builds a political constituency for Orcas in particular and the natural world in general that needs to be cultivated.

Please exclude hand-powered craft from these restrictions. Thank you.

Ed



Ed Sobey, Ph.D.
Global Evangelist* for Creative
Learning
Northwest Invention Center
(206) 240-1516
www.invention-center.com
www.nrg-exhibits.com
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* a zealous enthusiast

Subject: No-Go zone for Orcas

From: Annika McIntosh <annikamcintosh@gmail.com>

Date: Wed, 23 Sep 2009 12:55:04 -0700

To: Orca.Plan@noaa.gov

Dear NOAA,

I'd like to weigh in as a kayaker and lover of orcas in the San Juan Islands, as you consider a new "No-Go Zone" along the west side of San Juan Island as well as increasing the permitted vessel distance to 200 yards. Orcas are not as disturbed by kayaks as they are by powered vessels --in fact they seem to enjoy the unobtrusive company of people in kayaks. Please consider adjusting your definition of "vessels" so that kayaks are not lumped into the same category as power boats. I may also note that powered patrol boats are far more disruptive than a few kayaks.

Thanks for your time and your valuable work in protecting the endangered southern resident Orca whales. We all appreciate what you do.

Sincerely,
Annika McIntosh

--

annika e. mcintosh

206.351.9407

941 nw 64th st / seattle / wa / 98107

Subject: boating/whales restrictions
From: ROBIN DONNELLY <DONNELLY@ROCKISLAND.COM>
Date: Tue, 06 Oct 2009 08:39:03 -0700
To: Orca.Plan@noaa.gov

To whom it may concern,

As residents of San Juan Island and protectors of our whale population, we are in favor of increased restrictions regarding boats and whales. However, there is tremendous support and mailings opposing the NOAA planned restrictions from the Recreation Boating Association. I suggest you try to work closely with them and maybe even try for a little compromise. For instance, kayaking seems fairly non-invasive.

Thanks for your work,
Robin and Tom Donnelly
56 Bazalgette Pt. Rd.
Friday Harbor, Wa
98250

Subject: Restricted area access

From: "Ryan, Andrew F" <andrew.f.ryan@boeing.com>

Date: Wed, 14 Oct 2009 15:22:05 -0700

To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

While I applaud & generally support your no-go whale protect zone, I think human powered vessels (i.e. - kayaks and rowboats) should have a open channel close to shore (i.e. - within 50' of the shoreline) to transit. Distance from shore should be limited to area orca's traditionally don't transit. This would provide safer transit for paddlers rather than forcing them not only offshore, but into more motorized vessel traffic

Sincerely,
Andrew Ryan

PUBLIC SUBMISSION

As of: February 01, 2010
Received: August 31, 2009
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Tracking No. 80a19015
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-0013

Comment from Chelsea Lincoln

Submitter Information

Name: Chelsea Lincoln

Address:

Portland, OR, 97202

Email: veganrats@yahoo.com

General Comment

I do believe there should be harsher restrictions on motorized boats around whales and other marine mammals. There needs to be education to boaters about these regulations and consequences for boaters who do not respect the rules.

I do believe kayakers deserve different rules and considerations, however. I have not seen any studies showing this form of water travel is ditruptive of the whales and it is a peaceful way to experience the water without any harm to the marine life.

More needs to be done to protect orcas besides boat traffic as well, and I hope that gets more explored as well. While humans over fish and polute, marine mammals are affected more than anyone else and something needs to be done about this as well!

Subject: killer whale regulations
From: Gary Peniston <ghpghp@earthlink.net>
Date: Fri, 15 Jan 2010 10:54:46 -0800
To: Lynne.Barre@noaa.gov

I'd suggest that human-powered boats be exempt from the proposed restrictions. The reasons given for the restrictions pertain mostly to engine sounds and spilled fuel, neither of which apply to kayaks, canoes and other human-powered vessels. Pretty straightforward. I've personally observed that the whales do not appear to be bothered by kayaks, as they have approached me and other kayakers fairly closely. If we were bothering them, I don't think they'd approach us that closely.

Gary Peniston
Gig Harbor, WA

Comment on Vessel Regulation.eml

vessel restrictions regarding Orca, West side of San Juan Island.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 NOAA-F Comments Jan 2010.docx

San Juan vessel regulation comments.eml

Proposed Killer Whale Vessel Regulations.eml

comment on Proposed Killer Whale Vessel Regulations..eml

Subject: Public input on proposal to extend boating exclusion zones off San Juan Island
From: Bryan Sabol <bryan@bryansabol.com>
Date: Sat, 05 Sep 2009 15:23:31 -0700
To: Orca.Plan@noaa.gov

To the committee considering implementing a new regulation to extend a "no-go" zone for boaters off the west coast of San Juan Island (Docket No. 070821475-81493-01):

I am a resident of the state of Washington and wanted to voice my opinion as you consider the most appropriate means to protect marine mammals from vessel-based disturbances. As a person with a background in marine biology (I hold a M.S.), I am familiar with the Marine Mammal Protection Act and applaud NOAA's efforts to minimize human disturbances of the orcas in Puget Sound. However, I am concerned that the current wording of your proposal (FR Doc. E9-18075) inappropriately restricts sea kayakers in the same manner as large powered vessels (either fishing or whale watching), personal powerboats, and sailboats.

According to your proposal, it seems that your decision to include sea kayakers in the "no-go" zone is based upon studies that concluded:

- "The type of vessel did not matter as much as the manner in which the boat moved with respect to the [animals] (Lusseau 2003b)", and that
- "Some dolphins' responses to vessels were specific to kayakers or were greater for kayakers than for motorized vessels (Lusseau 2006, Gregory and Rowden 2001, Duran and Valiente 2008)."

However, your proposal also notes that "the top four observed incidents were parking in the path, vessels motoring inshore of whales, vessels motoring within 100 yards of whales, and vessels motoring fast within 400 yards of the whales (Koski 2007)." Obviously a sea kayak has no motor, so 3 out of the 4 incidents listed do not pertain to kayakers. Furthermore, the relative speed of a sea kayak would make it unlikely to be able to maneuver ahead of a pod and successfully park in front of the orcas with any frequency of success.

Your proposal's justification for extending the "no-go" zone states that "the specific threats from these vessel incidents include (1) risk of strikes, which can result in injury or mortality, (2) behavioral disturbance, which increases energy expenditure and reduces foraging opportunities, and (3) acoustic masking, which interferes with echolocation and foraging, as well as communication." While these points argue in favor of the "no-go" zone for motorized vessels, kayakers pose no risk for points (1) and (3). Kayakers have no motor or large mass to cause injury, nor do they generate any high-frequency acoustics which could disturb echolocation. The only risk by a sea kayaker is the potential for an orca to detour around the kayaker.

I believe you should adopt most aspects of your proposal, but I request that you modify the specifics of the regulations in order to allow sea kayakers to have continued access to paddling along the nearshore west coast of San Juan Island. Please consider the following points in support of my argument:

- **Evaluate the relative risk of disturbance and/or harm to marine mammals by sea kayakers:** As previously noted, studies have identified the most significant risks to orcas as coming from collisions with the vessels that result in injury or death (most commonly due to propeller wounds), as well as from acoustic masking. But sea kayakers are not involved in either of these risks. It does not seem appropriate to view kayakers as posing the same risks to orcas as do powerboats.
- **Review the frequency of disturbances by vessel type and operation:** According to the latest (2008) Soundwatch Public Outreach/Boater Education Project (available at <http://www.whalemuseum.org/downloads/soundwatch/2008%20Soundwatch%20Vessel%20Trends%20Report.pdf>), the cumulative "Soundwatch 1998-2008 all vessel, all incident percentages" involving kayakers ranged between less than 2% of incidents to 7% annually (Table 1, page 20). To put this in perspective, private and commercial sea kayak incidents were recorded with almost the same percentage (4%) as were monitor and research vessel incidents (3.3%; see Table 2, page 24). Why apply these restrictions to sea kayakers when sea kayakers are involved in only an average 5% of recorded incidents?
- **Consider the negative impact of applying this regulation to recreational sea kayaking:** Your proposal will place a *significant burden* upon local sea kayakers. Although it notes that "some commercial and recreational kayakers may need to relocate to alternate launch sites where they are farther from core whale areas," your committee seems to have missed the critical issue for sea kayakers: *the majority of local/resident sea kayakers*

paddle along the shoreline; fewer kayakers want to venture a 1/2 mile or more offshore into the rough waters and strong currents of Haro Strait. Therefore, *preventing sea kayakers from paddling in the "no-go" zone effectively prohibits all kayak activity along the west coast of San Juan for the majority of people*. To further stress this point, your proposed exclusion that allows property owners to transit through the "no-go" zone provides no real benefit, as the current wording effectively prohibits recreating in the water right off of their own property, which is where they most commonly are paddling.

To reiterate my position: I am very much in favor of the current proposal's simple and effective measures which are intended to improve protection of the orcas. However, I believe that allowing sea kayakers to paddle along the shoreline within "no-go" zone is an appropriate and sound modification that needs to be incorporated.

Thank you for your time and consideration.

Bryan Sabol
bryan@bryansabol.com

Subject: Comments on Protective Regulations for Puget Sound Orcas
From: TandJCogan@aol.com
Date: Sun, 06 Sep 2009 19:08:52 -0400 (EDT)
To: Orca.Plan@noaa.gov

September 7, 2009

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

My wife and I would like to thank NOAA for the opportunity to provide comment on the proposed new rules to safeguard Puget Sound's orca whales. We are members of the Whale Museum in Friday Harbor, Washington, provide financial support to the Sound Watch Boater Education Program, and are a homeowner on the shoreline in the proposed "no-go zone" protected area. As residents, we are able to regularly observe both responsible and irresponsible interactions between vessels in this area and the orca whales. We applaud and support the efforts of NOAA to provide additional protection for the southern resident orca population, which we all love and wish to see flourish.

Though we understand how additional protections may be helpful in safeguarding the whales, we also wish to underscore the importance of enforcement of the regulations that have been established. To do otherwise will, in the end, provide little or no benefit.

We are also avid sea kayakers, and kayak most frequently in the proposed protected "no-go zone". In this regard, we have the following comments and suggestions for your consideration.

- As you are aware, exposure to the cold water temperatures in Puget Sound poses a very real and dangerous threat to the safety of both experienced and inexperienced kayakers if not quickly addressed. Kayaking at a distance of one-half mile from shore, as required by the current proposed "no-go zone" rule, is less safe than when operated close to the shoreline where, in the event of a capsized, allows a rapid egress to the shore as an alternative recovery method. The loss of a human life in an effort to better protect the whales, however remote, would be a tragedy.
- It would be unfortunate to suffer the adverse effects of restricted kayaking along the west side of San Juan Island during the entire prime summer months for the relatively short duration of time that the whales are actually present at a given location if the impact to the whales during those times can be significantly mitigated. In short, the economic impact to the tourism industry and restriction to the recreational opportunities, for which the San Juan Islands are so well known, is not necessary if irresponsible behavior can be addressed through appropriate regulation and enforcement.
- Since kayaks have no appreciable noise signature, they will create minimal or no impact to the whales if operated responsibly. Responsible kayaking actions should include:
 1. Always paddling within 100 yards of shore in the "no-go zone".

2. If in the immediate vicinity of whales, pulling as close to shore as practical and remaining stationary until the whales pass.
 3. Rafting together if in a group of multiple kayaks.
 4. Not launching kayaks from shore when the whales are in the immediate vicinity.
- We suggest creating and posting mandatory rules for responsible kayaking at all public kayak launch sites in the proposed protected “no-go zone”, and providing adequate enforcement of those regulations by requiring a license (e.g., registration number) that has to be visibly displayed when on the water.

Again, we thank you for this opportunity to comment on the proposed new rules and your efforts to further safeguard the orca.

Respectfully,

T. J. Cogan

Comments to NOAA on Proposed Rule.doc

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Subject: "Be Whale Wise"

From: debrasidenquist@comcast.net

Date: Tue, 15 Sep 2009 18:07:21 +0000 (UTC)

To: "orca.plan@noaa.gov" <Orca.Plan@noaa.gov>

Hello,

I would like to express my view on the proposed regulations to protect the orca whales in the San Juans. I agree that these lovely animals need to have protection, so that their numbers will not dwindle any further. The orca whales are my favorite animal and I would hate to see them vanish. I applaud wanting to do something to protect them before they are gone.

I agree, that measures need to be done, but I don't understand the kayak ban. Kayaks have no pollutants whether chemical or noise to hurt the orcas. While I have heard that certain kayak groups paddle up to the orcas, I know that most of the groups do not. The wonderful thing about kayaking, if done appropriately, is that the animals and other sea life can be viewed and appreciated without disturbing any of them.

We were just up on a kayaking day trip last week to enjoy the San Juans, see some wildlife and hopefully see orcas. Our guide made sure that we stayed close to the shoreline and if the orcas were to have come by, would have had us "raft up" as to not disturb the orcas. If all groups followed this, I believe we could still kayak and not disturb the orcas.

Instead of a complete ban on kayaking in this areas, how about restrictions. Such as, the kayaks must stay close to shore, say within even 30 feet (or what seems appropriate). This would allow kayaking to continue, to be able to observe and learn about the orcas and yet not disturb them.

Thank you for your time and I hope that consideration of something other than a complete ban of kayaking will be implemented.

Debra Sidenquist
206-9109-3816

Subject: Orca Plan

From: gabe newton <gabenevton@yahoo.com>

Date: Wed, 23 Sep 2009 09:43:52 -0700 (PDT)

To: Orca.Plan@noaa.gov

I have one major contention with the Orca Vessel Regs in general, and that is that kayaks are treated the same as powered vessels, when kayaks are clearly not the same disturbance or threat to the whales that powered vessels are. That is like saying snowmobiles and crosscountry skiers have the same impact on alpine wildlife. Clearly not the case, and they are not treated as such.

There are many reasons why the orca regulations should be broken into the two categories of 1. Powered Vessels and 2. Human Powered Craft, and the distances should be increased and a no-go zone created for powered craft, but leave the current regulations as they are for human powered craft as they are.

Just a few of them are:

Powered vessels have the ability to reach whales in a matter of minutes when alerted by radio. Human Powered Craft cannot do this, in fact nearly all encounters are by chance, because the whales tend to move faster than a kayaker can move.

Powered vessels can follow whales at any speed, even if the whales wish to be left alone. Kayakers, however, are left in the dust when the whales move on.

Powered vessels actually have the ability to wound or kill an orca given their speed, mass and propellers. Kayakers, do not.

Powered vessels pollute the water that the orcas live in, kayakers do not.

Powered vessels pollute the sound scape of the whales, disturbing their peace and interfering with their communication. Kayakers, do not.

How can you then lump powered vessels and human powered craft together when their respective impacts are so different?

Sincerely,
Gabe Newton

510-910-0786

3707 Corliss Ave N
Seattle, WA 98103

Subject: Orca Protection
From: Simon Newton <simnewt@gmail.com>
Date: Wed, 23 Sep 2009 09:50:18 -0700
To: Orca.Plan@noaa.gov

To Whom it May Concern,

It is my sentiment that steps should be taken in order to protect Endangered Southern Resident Orca Whales from vessel disturbance. However, it seems slightly heavy handed to include small man powered vessels in the No-Go-Zone and the distance increase to 200 yards.

Small man powered vessels such as 12 foot long sea kayaks could hardly be as disturbing as motor powered or larger vessels as they are quiet, slow, and of a size that is not alien to sea life.

Secondly, increasing the distance to 200 yards would make it very difficult to appreciate the animals from a vessel such as a sea kayak when your eye level is 2.5 feet off the water. Maintaining peoples appreciation of the animals is of utmost importance in gaining public support for their protection.

Including sea kayaks in the No Go Zone would not just cut people off from being able to see orca whales, but also the experience of a beautiful area of the San Juans from the water.

I propose that you make exemptions for small man powered craft because of their non-intrusive nature. If people wish to have access to the western part of San Juan via boat, or be within 200 to 100 yards of orca whales, they can pick up a paddle. It would also encourage non-fossil fuel dependant activity. Thank you for your efforts in protecting these beautiful creatures.

Sincerely,

Simon Newton

West side No Go Zone.

Subject: West side No Go Zone.
From: Patrick Kirby <otter@rockisland.com>
Date: Thu, 06 Aug 2009 19:53:26 -0700
To: Orca.Plan@noaa.gov

Hello,

Please continue with the plan to exclude False Bay on the west side of San Juan Island from the no-go zone for hand and wind powered boats. Whales do not enter False bay as it is very shallow. It is used recreationally by kayaks, canoes, sailboards, and rowboats with no impact on the whales.

Thank you,

Patrick Kirby

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