



Sunshine Coast
Conservation
Association

May 20, 2022

2022 Southern Resident Killer Whale Management Measures

For the month of February, the Government of Canada invited Indigenous people, stakeholders and the general public to comment on the **Proposed 2022 Southern Resident Killer Whale (SRKW) Management Measures**. The proposed measures were available online and each measure had multiple options that could be chosen. In the questionnaire, respondents were asked how they might benefit from certain measures, chosen options and further additional space was provided to elaborate on answers. The Department of Fisheries & Oceans (DFO) then used the month of March to collect all the submissions and comments from other forums such as the SRKW Technical Working Groups and Indigenous & Multi-Stakeholder Advisory Groups to prepare a final submission for the federal Ministers' consideration. At the end of April, the Ministers of Transport, Fisheries & Oceans, and Environment & Climate Change (also responsible for Parks Canada), released the finalized **2022 SRKW Management Measures**

We thought it might be interesting to compare our submission to the options chosen by the Ministers; the press release provided by the lead Department of Fisheries and Oceans (<https://www.pac.dfo-mpo.gc.ca/fm-gp/mammals-mammiferes/whales-baleines/srkw-measures-mesures-ers-eng.html>) was used to make the comparison.

The first points were specific to the **Prey Availability Measures**. The most time sensitive measure was the change in the monitoring of the arrival of the SRKW to the Southern Gulf Islands. We had recommended that monitoring begin May 01 and once sighted that the closure for recreational and commercial fishing remain in effect until the end of October. DFO did in fact agree to that option but had to delay it by a few days (May 05th) given the time needed to notify all the parties following the Ministers' announcement.

The second recommendation was to create the largest possible fishing closure at the mouth of the Fraser River from August 01 – September 30th. There having been no previous closure, and based on newly released science showing the high likelihood of SRKW presence in this area during that time of year, DFO agreed and though we can't be sure it is the largest option a significant area was included in the closure.

The third recommendation was to enlarge the fishing closures around the Southern Gulf Islands, again based on newly released scientific data, to the greatest extent proposed. Government chose only to minimally expand the closure in the areas between North and South Pender Islands and between the latter and Saturna Island. Active Pass and the waters between South Pender to Moresby Islands, Galiano to Prevost Islands were not included. The rationale for this limited expansion was not given. It is my belief that the small expanded areas that were added could not be denied because of the overwhelming data collected by the Southern Gulf Islands Whale Sighting Network (part of the Saturna Island Marine Research & Education Society).

With respect to fishing closures in the Strait of Juan de Fuca, our chosen option once again maximized the SRKW feeding habitat but with the nearshore strip between Bonilla Point and San Juan Point open for fishing. This year, this specific area was indeed left open and the area immediately offshore (120-1) closed as well as further east the area east of Otter Pt to past Beechey Pt (120-5). However, the areas previously closed last year (120-3 and 120-4) between these two areas were removed from the fishing closures based on lower presence of the SRKW than previously believed; the most recently released science indicated that when the SRKW were present that they were likely just travelling through and therefore physical and acoustic disturbance caused by commercial and recreational boaters would not be as detrimental as when feeding or resting.

Finally, with respect to Swiftsure Bank, once again the largest area was recommended. Although not certain if this was the maximum size, all of Area 120-1 and the eastern portion of 120-2 will be closed for fishing likely August to October 31st. This connects to the 120-1 in the Strait of Juan de Fuca which is admittedly helpful. However, a portion of 120-2 falls into the commercial shipping lanes where the disruption to the whales' feeding behaviour is already substantial – we aren't sure what benefit this new area of closure would have for the SRKW.

With respect to the ***Voluntary Fishing Avoidance Zone***, the continuation of fishers voluntarily stopping their fishing and not haul gear when they find themselves within a 1000m of Killer Whales was supported. The challenge in enforcing this measure was recognized but nonetheless it was recommended that authorities work on making this a mandatory measure in the future. This measure has remained voluntary for 2022.

Interim Sanctuary Zones (ISZ) are created as an Interim Order under the Canadian Shipping Act. In addition to the two existing ISZ in and around Saturna and Pender Islands which prohibit all vessel traffic from June 01 – November 30, 2022, two additional areas were proposed in the Swiftsure Bank area as a result of the Pacheedaht Nation observations. One of the options was to create **Seasonal Slowdown Areas** with vessels restricted to travelling no more than 10 knots per hours. Our comment, based on trying to streamline the measures for better compliance by

the public, to create proper ISZs was not adopted. The adopted Seasonal Slowdown Areas are being piloted with ongoing monitoring by the Nation.

There are three areas where DFO is **Advancing Longer Term Actions**: Salmon Management Measures, Salmon Enhancement and Salmon Protection, Restoration & Rebuilding. Our submission requesting that the listing of 6PPD-Quinone as a toxin should be expedited and that the Province should be notified that constructing bio filtration structures in critical intersection/fresh water crossings were not included in any of these three headings nor was it mentioned in the “**Contaminants**” section in the above link.

Our final comment was that under the **General Vessel Measures** that the **Mandatory 400m Approach Zone** be rebranded as the *Mandatory 400m Avoidance Zone*. This would avoid confusion among recreational boaters including those non-motorized and non-fishing; the change would have resulted similar wording to the *Voluntary Fishing Avoidance Zone*. The suggestion was not adopted. The government states that work is advancing to apply the 400m avoidance zone to all KW in all Canadian Pacific waters and not just to the southern waters from Campbell River to north of Ucluelet as presently mandated.

The rationale for why specific options were chosen over others in the finalization of the **2022 SRKW Management Measures** was not provided. From this limited perspective, based on the options the government of Canada did choose, and with the exception of the Pacheedaht Nation piloted Seasonal Slowdown Areas Measure, it would seem that there is an attempt to balance the needs of the SRKW against the economic well-being of sectors in our society that are in competition for the same resources of prey and habitat. Given that the very existence of the SRKW is at stake, this is not the appropriate way to proceed. Perhaps it would be better to have Environment Canada under the Species-at-Risk Act, assume the lead role from DFO and Transport Canada in ensuring the survival and recovery of the Southern Resident Killer Whales

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