

**From:** [Ritchie, Chris FLNR:EX](#)  
**To:** [Dale, Alec R ENV:EX](#); [Wilkerson, Stacey L FLNR:EX](#)  
**Subject:** RE: Proposed Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada posted to the Species at Risk Public Registry  
**Date:** September 4, 2018 5:01:14 PM

---

I better get allan swapped out for me.

Stacey, could you have Kendra or other give this a review and see implications for BC. As I recall previous versions there were pollution and chinook salmon habitat issues that might implicate BC agencies (eg agriculture, forestry, )

---

**From:** Dale, Alec R ENV:EX  
**Sent:** Tuesday, September 4, 2018 3:51 PM  
**To:** [Ritchie, Chris FLNR:EX](#) <[Chris.Ritchie@gov.bc.ca](mailto:Chris.Ritchie@gov.bc.ca)>; [Wilkerson, Stacey L FLNR:EX](#) <[Stacey.Wilkerson@gov.bc.ca](mailto:Stacey.Wilkerson@gov.bc.ca)>  
**Subject:** FW: Proposed Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada posted to the Species at Risk Public Registry

FYI

---

**From:** PAC-SARA / LEP-PAC (DFO/MPO) [<mailto:SARA.XPAC@dfo-mpo.gc.ca>]  
**Sent:** September 4, 2018 3:00 PM  
**To:** [Dale, Alec R ENV:EX](#) <[Alec.Dale@gov.bc.ca](mailto:Alec.Dale@gov.bc.ca)>; [Lidstone, Allan B FLNR:EX](#) <[Allan.Lidstone@gov.bc.ca](mailto:Allan.Lidstone@gov.bc.ca)>; [Psyllakis, Jennifer FLNR:EX](#) <[Jennifer.Psullakis@gov.bc.ca](mailto:Jennifer.Psullakis@gov.bc.ca)>; [Stefanyk, Karen ENV:EX](#) <[Karen.Stefanyk@gov.bc.ca](mailto:Karen.Stefanyk@gov.bc.ca)>; [Westereng, Leah K ENV:EX](#) <[Leah.Westereng@gov.bc.ca](mailto:Leah.Westereng@gov.bc.ca)>; [Blair.Hammond@canada.ca](#) <[Blair.Hammond@canada.ca](mailto:Blair.Hammond@canada.ca)>; [Matthew.Huntley@canada.ca](#) <[Matthew.Huntley@canada.ca](mailto:Matthew.Huntley@canada.ca)>; [randal.lake@canada.ca](#) <[randal.lake@canada.ca](mailto:randal.lake@canada.ca)>; [St. Louis, Excedera ENV:EX](#) <[Excedera.StLouis@gov.bc.ca](mailto:Excedera.StLouis@gov.bc.ca)>; [Helen Davies](#) <[helen.davies@pc.gc.ca](mailto:helen.davies@pc.gc.ca)>; [genevieve.goggin@pc.gc.ca](#) <[genevieve.goggin@pc.gc.ca](mailto:genevieve.goggin@pc.gc.ca)>  
**Subject:** Proposed Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada posted to the Species at Risk Public Registry

Dear SARCC members,

Fisheries and Oceans Canada and the Parks Canada Agency have now posted the proposed version of the amended *Recovery Strategy for the Northern and Southern Resident Killer Whales* (Orcinus orca) in Canada on the Species at Risk (SAR) Public Registry. These populations are found in the Pacific Ocean. The amendment to the Recovery Strategy includes identification of two additional areas as proposed critical habitat following recent scientific research<sup>1</sup> and science advice<sup>2</sup> and clarification of the features, functions, and attributes for proposed and existing critical habitat.

Section 7 (Critical Habitat) of this document is now open for public input on the SAR Public Registry for a 60-day comment period (concluding November 3). During the 60-day public comment period, further regional opportunities will be provided to discuss and provide information on the proposed critical habitat, including the description of the science advice underlying the identification of the new areas. These additional processes will be identified through future emails.

**From:** Ne Pas Répondre / Do Not Reply (ec/ec)  
**To:** Stefanyk, Karen ENV:EX  
**Subject:** Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada - Programme de rétablissement des épaulards résidents (Orcinus orca) du nord et du sud au Canada  
**Date:** September 5, 2018 5:47:40 AM

---

La version Française suit.

#### FOR YOUR INFORMATION

On September 4, 2018 Fisheries and Oceans Canada posted the proposed version of the

- Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada

on the Species at Risk Public Registry. This document amends the 2011 version to include identification of additional critical habitat for these populations and to provide minor updates to background and species information.

This document will be open for public consultation on the Public Registry for a 60-day comment period. Fisheries and Oceans will then have 30 days to review comments and integrate them as appropriate, after which the final version will be posted on the Public Registry.

The document can be found at:

[http://registrelep-sararegistry.gc.ca/document/default\\_e.cfm?documentID=1341](http://registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=1341)

---

To subscribe or unsubscribe:

[http://www.sararegistry.gc.ca/involved/newsletter/default\\_e.cfm](http://www.sararegistry.gc.ca/involved/newsletter/default_e.cfm)

\*\*\*\*\*

#### POUR VOTRE INFORMATION

Le 4 septembre, 2018 Pêches et Océans Canada a publié la version proposée du

- Programme de rétablissement des épaulards résidents (Orcinus orca) du nord et du sud au Canada

sur le Registre public des espèces en péril. Ce document modifie la version de 2011 pour inclure la désignation d'un habitat essentiel supplémentaire pour ces populations et pour fournir des mises à jour mineures sur des renseignements de base et des renseignements sur les espèces.

Le programme de rétablissement sera disponible pour consultation publique pour une période de 60 jours. Pêches et Océans aura ensuite 30 jours pour examiner les commentaires et modifier le document s'il y a lieu. La version finale sera ensuite mise sur le registre public.

Ce document peut être consulté à l'adresse internet suivante :

[http://registrelep-sararegistry.gc.ca/document/default\\_f.cfm?documentID=1341](http://registrelep-sararegistry.gc.ca/document/default_f.cfm?documentID=1341)

---

Abonnement ou désabonnement :

[http://www.registrelep.gc.ca/involved/newsletter/default\\_f.cfm](http://www.registrelep.gc.ca/involved/newsletter/default_f.cfm)

Following the completion of the 60-day public comment period, the proposed amended Recovery Strategy will be finalised, taking into consideration the comments received, and published as a final document on the SAR Public Registry.

The proposed document can be found on the [SAR Public Registry](#).

For further information on the science advice that supports the proposed critical habitat, please see:

- <sup>1</sup> *Habitats of Special Importance to Resident Killer Whales (Orcinus orca) off the West Coast of Canada* (Canadian Science Advisory Secretariat Research Document). [http://www.dfo-mpo.gc.ca/csas-sccs/Publications/ResDocs-DocRech/2017/2017\\_035-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/ResDocs-DocRech/2017/2017_035-eng.html)
- <sup>2</sup> *Identification of Habitats of Special Importance to Resident Killer whales (Orcinus orca) off the West Coast of Canada* (Canadian Science Advisory Secretariat Science Advisory Report 2017/011): [http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2017/2017\\_011-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2017/2017_011-eng.html)

Species at Risk Program

Pacific Region

Fisheries and Oceans Canada

200-401 Burrard Street, Vancouver BC V6C 3S4

Telephone: 604-666-7907

Facsimile: 604-666-0417

**From:** Dale, Alec R ENV:EX  
**To:** Ritchie, Chris FLNR:EX; Wilkerson, Stacey L FLNR:EX  
**Subject:** Fwd: Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada  
**Date:** September 14, 2018 5:31:17 PM

---

Via Mobile

Begin forwarded message:

**From:** "Leslie, Karen" <[Karen.Leslie@dfo-mpo.gc.ca](mailto:Karen.Leslie@dfo-mpo.gc.ca)>  
**Date:** September 14, 2018 at 4:42:45 PM PDT  
**To:** "[Alec.Dale@gov.bc.ca](mailto:Alec.Dale@gov.bc.ca)" <[Alec.Dale@gov.bc.ca](mailto:Alec.Dale@gov.bc.ca)>, "[Allan.Lidstone@gov.bc.ca](mailto:Allan.Lidstone@gov.bc.ca)" <[Allan.Lidstone@gov.bc.ca](mailto:Allan.Lidstone@gov.bc.ca)>, Jennifer Davis <[Jennifer.Davis@gov.bc.ca](mailto:Jennifer.Davis@gov.bc.ca)>, "[Karen.Stefanyk@gov.bc.ca](mailto:Karen.Stefanyk@gov.bc.ca)" <[Karen.Stefanyk@gov.bc.ca](mailto:Karen.Stefanyk@gov.bc.ca)>, "[Leah.Westereng@gov.bc.ca](mailto:Leah.Westereng@gov.bc.ca)" <[Leah.Westereng@gov.bc.ca](mailto:Leah.Westereng@gov.bc.ca)>, "[Blair.Hammond@canada.ca](mailto:Blair.Hammond@canada.ca)" <[Blair.Hammond@canada.ca](mailto:Blair.Hammond@canada.ca)>, "[Matthew.Huntley@canada.ca](mailto:Matthew.Huntley@canada.ca)" <[Matthew.Huntley@canada.ca](mailto:Matthew.Huntley@canada.ca)>, "[randal.lake@canada.ca](mailto:randal.lake@canada.ca)" <[randal.lake@canada.ca](mailto:randal.lake@canada.ca)>, "[Excedera.StLouis@gov.bc.ca](mailto:Excedera.StLouis@gov.bc.ca)" <[Excedera.StLouis@gov.bc.ca](mailto:Excedera.StLouis@gov.bc.ca)>, "[helen.davies@pc.gc.ca](mailto:helen.davies@pc.gc.ca)" <[helen.davies@pc.gc.ca](mailto:helen.davies@pc.gc.ca)>  
**Subject:** Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

Dear SARCC members,

Fisheries and Oceans Canada (DFO) and the Parks Canada Agency (PCA) are pleased to notify you of the following information sessions regarding the proposed amendments to the *Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada*.

As noted in our previous e-mail sent September 4<sup>th</sup> 2018, the amended Recovery Strategy includes identification of two additional areas as proposed critical habitat for Resident Killer Whales following recent science advice, as well as clarification of the features, functions and attributes for proposed and existing critical habitat. The proposed amended Recovery Strategy is currently posted on the [Species at Risk Public Registry](#), and public input is being sought on Section 7 (Critical habitat) of the document for a 60-day comment period (September 4 – November 3, 2018). Input is sought via the above link or through the regional SARA program (contact info below).

The purpose of the information sessions is to provide information about the proposed critical habitat for Northern and Southern Resident Killer Whales, including the description of the science advice underlying the identification of the additional proposed critical habitat areas, and to answer questions about the proposed

amendments to the document.

Locations, dates and times of these meetings are:

**Webinars:**

<!--[if !supportLists]-->• <!--[endif]-->Webinar 1: Tuesday, September 25<sup>th</sup>, 2018, 10 am – 12 pm

<!--[if !supportLists]-->• <!--[endif]-->Webinar 2: Wednesday, September 26<sup>th</sup>, 2018, 10 am – 12 pm

WebEx Information:

<!--[if !supportLists]-->○ <!--[endif]-->Toll-free dial-in number  
(Canada/US): 1 877-413-4782

<!--[if !supportLists]-->○ <!--[endif]-->Local dial-in number: 613-960-7511

<!--[if !supportLists]-->○ <!--[endif]-->Conference ID: 5681284

**Regional in-person meetings:**

<!--[if !supportLists]-->• <!--[endif]-->Port Alberni (Best Western Barclay Hotel, 4277 Stamp Ave.): Wednesday, October 3<sup>rd</sup> 2018, 6-9 pm

<!--[if !supportLists]-->• <!--[endif]-->Ucluelet (Black Rock Oceanfront Resort, Ballroom, 596 Marine Drive): Thursday, October 4<sup>th</sup> 2018, 6-9 pm

Please RSVP for the above webinar(s) and/or in-person meetings to [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca). If you require further clarification, please call 604-666-7907 or email [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca).

Species at Risk Program  
Pacific Region  
Fisheries and Oceans Canada  
200-401 Burrard Street, Vancouver BC V6C 3S4  
Telephone: 604-666-7907  
Facsimile: 604-666-0417

---

**From:** Leslie, Karen

**Sent:** September-14-18 4:43 PM

**To:** Alec.Dale@gov.bc.ca; Allan.Lidstone@gov.bc.ca; Jennifer Davis; Karen.Stefanyk@gov.bc.ca; Leah.Westereng@gov.bc.ca; Blair.Hammond@canada.ca; Matthew.Huntley@canada.ca; randal.lake@canada.ca; Excedera.StLouis@gov.bc.ca; helen.davies@pc.gc.ca

**Subject:** Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

Dear SARCC members,

Fisheries and Oceans Canada (DFO) and the Parks Canada Agency (PCA) are pleased to notify you of the following information sessions regarding the proposed amendments to the *Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada*.

As noted in our previous e-mail sent September 4<sup>th</sup> 2018, the amended Recovery Strategy includes identification of two additional areas as proposed critical habitat for Resident Killer Whales following recent science advice, as well as clarification of the features, functions and attributes for proposed and existing critical habitat. The proposed amended Recovery Strategy is currently posted on the [Species at Risk Public Registry](#), and public input is being sought on Section 7 (Critical habitat) of the document for a 60-day comment period (September 4 – November 3, 2018). Input is sought via the above link or through the regional SARA program (contact info below).

The purpose of the information sessions is to provide information about the proposed critical habitat for Northern and Southern Resident Killer Whales, including the description of the science advice underlying the identification of the additional proposed critical habitat areas, and to answer questions about the proposed amendments to the document.

Locations, dates and times of these meetings are:

**Webinars:**

- Webinar 1: Tuesday, September 25<sup>th</sup>, 2018, 10 am – 12 pm
- Webinar 2: Wednesday, September 26<sup>th</sup>, 2018, 10 am – 12 pm

WebEx Information:

- Toll-free dial-in number (Canada/US): 1 877-413-4782
- Local dial-in number: 613-960-7511
- Conference ID: 5681284

**Regional in-person meetings:**

- Port Alberni (Best Western Barclay Hotel, 4277 Stamp Ave.): Wednesday, October 3<sup>rd</sup> 2018, 6-9 pm
- Ucluelet (Black Rock Oceanfront Resort, Ballroom, 596 Marine Drive): Thursday, October 4<sup>th</sup> 2018, 6-9 pm

Please RSVP for the above webinar(s) and/or in-person meetings to [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca). If you require further clarification, please call 604-666-7907 or email [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca).

Species at Risk Program  
Pacific Region  
Fisheries and Oceans Canada  
200-401 Burrard Street, Vancouver BC V6C 3S4  
Telephone: 604-666-7907  
Facsimile: 604-666-0417

**From:** PAC-SARA / LEP-PAC (DFO/MPO)  
**Subject:** Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada  
**Date:** September 17, 2018 3:17:35 PM

---

Dear Sir / Madam,

On Friday, September 14<sup>th</sup>, Fisheries and Oceans Canada provided information regarding upcoming webinars on the Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada. We would like to clarify that the September 25 webinar is being held for Indigenous groups only. Please find below the public webinar schedule.

Please RSVP via email to [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca) to attend either the webinar or the in-person information sessions with your name, organization, email address, phone number, and number of participants.

### **CORRECTION NOTICE**

Public webinar: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

### **Webinar**

- Webinar (Public): Wednesday, September 26<sup>th</sup>, 2018, 10 am – 12 pm

WebEx Information: to be provided to registered participants on Friday, September 21.

-

### **Regional in-person meetings:**

- Port Alberni (Best Western Barclay Hotel, 4277 Stamp Ave.): Wednesday, October 3<sup>rd</sup> 2018, 6-9 pm
- Ucluelet (Black Rock Oceanfront Resort, Ballroom, 596 Marine Drive): Thursday, October 4<sup>th</sup> 2018, 6-9 pm

Species at Risk Program  
Pacific Region  
Fisheries and Oceans Canada  
200-401 Burrard Street, Vancouver BC V6C 3S4  
Telephone: 604-666-7907  
Facsimile: 604-666-0417



**From:** [Leslie, Karen](#)  
**To:** [Dale, Alec R ENV:EX](#); [Lidstone, Allan B FLNR:EX](#); [Davis, Jennifer C FLNR:EX](#); [Stefanyk, Karen ENV:EX](#); [Westereng, Leah K ENV:EX](#); [Blair.Hammond@canada.ca](#); [Matthew.Huntley@canada.ca](#); [randal.lake@canada.ca](#); [St. Louis, Excedera ENV:EX](#); [Helen Davies](#)  
**Subject:** Re: Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada  
**Date:** September 17, 2018 4:09:28 PM

---

Dear SARCC members,

On Friday, September 14<sup>th</sup>, Fisheries and Oceans Canada provided information regarding upcoming webinars on the Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada. We would like to clarify that the September 25 webinar is being held for Indigenous groups only. Please find below the public webinar schedule.

Please RSVP via email to [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca) to attend either the webinar or the in-person information sessions with your name, organization, email address, phone number, and number of participants.

### **CORRECTION NOTICE**

Public webinar: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

### **Webinar**

- Webinar (Public): Wednesday, September 26<sup>th</sup>, 2018, 10 am – 12 pm

WebEx Information: to be provided to registered participants on Friday, September 21.

-

### **Regional in-person meetings:**

- Port Alberni (Best Western Barclay Hotel, 4277 Stamp Ave.): Wednesday, October 3<sup>rd</sup> 2018, 6-9 pm
- Ucluelet (Black Rock Oceanfront Resort, Ballroom, 596 Marine Drive): Thursday, October 4<sup>th</sup> 2018, 6-9 pm

Species at Risk Program  
Pacific Region  
Fisheries and Oceans Canada  
200-401 Burrard Street, Vancouver BC V6C 3S4  
Telephone: 604-666-7907  
Facsimile: 604-666-0417

**From:** [Llewellyn-Thomas, Marnie ENV:EX](#)  
**To:** [Stefanyk, Karen ENV:EX](#); [Dale, Alec R ENV:EX](#); [Welsh, Leah ENV:EX](#)  
**Subject:** FW: IN for MGH: 332205/11621 - Regarding Resident Killer Whles  
**Date:** September 20, 2018 10:01:07 AM  
**Attachments:** [332205\\_IN\\_For\\_MGH\\_re\\_SRKW.docx](#)

---

Hello,

Please find attached the DMO approved IN for your files/records.

~Marnie

---

**From:** Carroll, Deborah ENV:EX  
**Sent:** Wednesday, September 19, 2018 12:53 PM  
**To:** Neilson, Kirsten ENV:EX  
**Cc:** Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX; Drew, Ashley ENV:EX; Kennedy, Karla ENV:EX; Gooderham, Coleen E ENV:EX; Llewellyn-Thomas, Marnie ENV:EX; Westley, Rebecca ENV:EX  
**Subject:** IN for MGH: 332205/11621 - Regarding Resident Killer Whles

Good afternoon,

Please find attached an IN for Minister regarding the revised Northern and Southern Resident Killer Whale Recovery Strategy, released on September 4, 2018, by the Department of Fisheries and Oceans. Produced to inform MGH and in anticipation of meetings being requested on the topic.

Thank you,

**Deborah Carroll**  
Administrative Coordinator  
Deputy Minister's Office  
Ministry of Environment and Climate Change Strategy  
778-698-0436  
[deborah.carroll@gov.bc.ca](mailto:deborah.carroll@gov.bc.ca)

**MINISTRY OF ENVIRONMENT AND  
CLIMATE CHANGE STRATEGY  
INFORMATION NOTE**

September 11, 2018

File: 280-40

Tracking #: 11621

Previous CLIFF#: 328516

**PREPARED FOR:** Honourable George Heyman, Minister of Environment and Climate Change Strategy (ENV)

**ISSUE:** Background information regarding a Revised Northern and Southern Resident Killer Whale Recovery Strategy, released on September 4, 2018 by Department of Fisheries and Oceans (DFO)

**BACKGROUND:**

- There is increased public attention on recovery of Resident Killer Whales (RKW) due to ongoing population declines.
  - Southern Resident Killer Whale (SRKW) J-35 received international attention after carrying her dead calf for 17 days in August 2018. RKWs have complex social structures, and have been recognized to experience grief.
  - SRKW J-50 has been visibly malnourished this summer, and became the subject of a novel intervention where Fisheries and Oceans Canada (DFO) and the National Oceanic and Atmospheric Administration (NOAA) partnered to administer antibiotics via dart to the whale.
- On August 30, a federal court of appeal ruled that the National Energy Board (NEB) hadn't properly considered the impact of an increase in oil tanker traffic off the coast of B.C. that would result from an expanded pipeline, and that consultation with Indigenous communities was not robust enough for the NEB approval to be valid.
- The federal court of appeal decision notes that the NEB "*unjustifiably excluded Project-related marine shipping from the Project's description*". (e.g. risk of spill, noise pollution, ship strikes in RKW critical habitat), and therefore "*failed to consider its obligations under the Species at Risk Act when it considered the Project's impact on the Southern resident killer whale.*" (para. 454 in the Federal Court of Appeal decision).
- In September 2018, six conservation groups filed a lawsuit in Federal Court over the Canadian government's failure to issue an emergency order to protect B.C.'s endangered southern resident killer whales under the *Species at Risk Act*. The application was filed by Ecojustice on behalf of Raincoast, David Suzuki Foundation, Georgia Strait Alliance, Natural Resources Defense Council, and World Wildlife Fund Canada.
- The application names the federal fisheries and environment ministers as respondents and asks for a court order compelling the government to recommend emergency protection for the whales and their habitat.

## DISCUSSION:

- Within the province, there is shared accountability for the RKW file and the Oceans Protection Plan file. Various agencies have different roles with respect to the oceans file, and coordinate on federal-provincial committees at the Executive Director (e.g. Oceans Coordinating Committee (OCC)) and Deputy Minister (e.g. Regional Committee on Oceans Management (RCOM)) levels:
  - ENV is the lead on the review of federal *Species at Risk Act* recovery plans, development of species-at-risk legislation for the province, designation of parks and protected areas that include marine components, prohibitions and authorizations for waste disposal, spill preparedness and response, environmental assessments, and Conservation Officer Service.
  - FLNR is the lead on the identification and land use planning for marine and coastal areas within BC's jurisdiction (within the "jaws of land"), recreational fisheries, protection of fish habitat, implementation of species at risk policy, provincial hatchery program, and fish stock monitoring.
  - AGRI has taken the lead on the prey availability aspect, with their ministry mandate to promote seafood and fisheries expansion. Minister Popham is also the provincial representative on the Canadian Council of Fisheries and Aquaculture Ministers.
- Further internal discussion will be required to ensure coordination within the natural resource sector, and how best to determine and articulate any updated provincial position in light of recent RKW population declines and federal announcements.

## SUMMARY:

- DFO is the responsible authority for Northern and Southern Resident Killer Whales
- Killer Whales are an iconic species and B.C. is generally supportive of actions recommended by DFO to protect and recover the population.
- The Province has expressed concerns to DFO regarding impacts of the Orders to industry (commercial fisheries, tourism), and what appears to be a lack of meaningful engagement with coastal First Nations in the development of the amended recovery strategy.
- Consistent with our bilateral conversations through the OCC and the RCOM, BC requests the federal government continue to engage with us on initiatives related to RKWs and give us the opportunity to provide feedback in a meaningful way.

**Contact:**  
*Jennifer McGuire, ADM*  
*ESSP*  
*778-698-8521*

**Alternate Contact:**  
*Alec Dale, ED*  
*Ecosystem Branch*  
*778-698-4384*

**Prepared by:**  
*Karen Stefanyk*  
*Ecosystems Branch*  
*778-698-5188*

ENV Approvals		
Reviewed by	Initials	Date
DM	MZ	Sept 14/18
DMO	KK	Sept 6/18
ADM	JLM	Sept 6/18
Dir./Mgr.	AD	Sept 6/18
Author	KWS	Aug 31/18

**From:** [Leslie, Karen](#)  
**To:** [Dale, Alec R ENV:EX](#)  
**Cc:** [Rasmussen, Paul FLNR:EX](#); [Dolhaine, Daphne ENV:EX](#); [Helen Davies](#); [Webb, Cheryl](#); [Welsh, Leah ENV:EX](#)  
**Subject:** RE: BC Response to Section 7 (Critical Habitat) of the Amended RS for SRKW and NRKW  
**Date:** September 25, 2018 4:01:08 PM  
**Attachments:** [RKW SARCC response to comments final.docx](#)  
[Draft email text to send to Province.docx](#)

---

Dear Mr. Dale,

Thank you for providing feedback in response to the Fisheries and Oceans Canada (DFO) and the Parks Canada Agency (PCA) external review process on section 7 (critical habitat) of the draft Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) in Canada. I am responding on behalf of Cheryl Webb, Regional Director, Ecosystems Management Branch.

We recognize the effort the Province of British Columbia has put forward in this process. The comments received from the Province of British Columbia have been reviewed and detailed responses have been provided for each comment (see attached).

We would like to take this opportunity to provide clarification on concerns raised in your letter, especially regarding potential for socio-economic impacts of management measures within critical habitat. No management measures are currently under consideration for the areas within which the proposed critical habitat occurs. Under the Species at Risk Act it is the destruction of critical habitat caused by human activities which is prohibited and not the activities themselves. If management measures for Resident Killer Whale (RKW) survival and recovery are considered in any location, DFO will engage Indigenous groups and stakeholders on these recovery measures through existing processes and mechanisms, and/or through other means as required.

DFO and PCA have now posted the proposed version of the amended Recovery Strategy on the Species at Risk (SAR) Public Registry. Section 7 (Critical Habitat) of this document is now open for public consultation on the [SAR Public Registry for a 60-day comment period](#) (concluding November 3). During the 60-day public comment period, further regional opportunities will be provided to discuss and provide information on the proposed critical habitat, including the description of the science advice underlying the identification of the new areas. Two webinars and two in-person meetings have been identified through a notification email sent September 14, 2018, including opportunity for bilateral meetings with Indigenous groups as requested.

Following the completion of the 60-day public comment period, the proposed amended Recovery Strategy will be finalised, taking into consideration the comments received, and published as a final document on the SAR Public Registry.

Yours sincerely,

Karen

Karen Leslie

Regional Manager, Species at Risk Program  
Fisheries and Oceans Canada / Government of Canada  
[Karen.Leslie@dfo-mpo.gc.ca](mailto:Karen.Leslie@dfo-mpo.gc.ca) / 604-666-0395

Gestionnaire régional, Programme des espèces en péril  
Pêches et Océans Canada / Gouvernement du Canada  
[Karen.Leslie@dfo-mpo.gc.ca](mailto:Karen.Leslie@dfo-mpo.gc.ca) / 604-666-0395

---

**From:** Welsh, Leah ENV:EX [mailto:Leah.Welsh@gov.bc.ca] **On Behalf Of** Dale, Alec R ENV:EX  
**Sent:** 2018-July-19 8:01 AM  
**To:** PAC-SARA / LEP-PAC (DFO/MPO); Webb, Cheryl  
**Cc:** Dolhaine, Daphne ENV:EX; Dale, Alec R ENV:EX; Leslie, Karen; Rasmussen, Paul FLNR:EX; Helen Davies  
**Subject:** BC Response to Section 7 (Critical Habitat) of the Amended RS for SRKW and NRKW

Dear Ms. Webb,

Thank you for the opportunity to review Section 7 of the ***Amended Recovery Strategy for Northern and Southern Resident Killer Whales [Draft]***. Potentially affected ministries within the BC government had an opportunity to review and comment on the amended recovery strategy.

Specific comments have been attached in regards to Section 7 of the amended Recovery Strategy and does include some general comments on the Recovery Strategy as a whole.

I would like to start by recognizing the effort that DFO has made to consult with the province of British Columbia (BC) throughout the development of this draft amended recovery strategy. We have reviewed Section 7, as per the External Review Request, June 12, 2018, and have provided comments (attached) for consideration. The Province would appreciate a response as to how these comments have been considered/addressed in the Amended Recovery Strategy.

The province of British Columbia supports a transparent, science-based process for the identification of habitat required for a species' survival or recovery, where habitat protection decisions are informed by science and the evaluation of socio-economic considerations, full consultation with all directly affected parties has been completed, and all significant concerns have been addressed.

The Ministry of Environment and Climate Change Strategy, on behalf of the BC Government, accepts the proposed Section 7 of the amended Recovery Strategy including Critical Habitat identification as **Science Advice**, but we **do not support implementation of legal habitat protection measures** without evaluation of socio-economic implications and **full consultation with directly affected parties**.

To assist with provincial decision-making around subsequent protection, the province of BC encourages DFO to ensure that the relevant spatial and management information relating to proposed critical habitat is made readily available to statutory decision makers, for example through FrontCounter BC.

Side note – the request for this review came through a variety of avenues to the Province. Please

ensure any review requests for the Province are directed to the Recovery Planning Coordinator ([Karen.Stefanyk@gov.bc.ca](mailto:Karen.Stefanyk@gov.bc.ca)), to ensure comprehensive, consolidated and timely review by all potentially affected ministries. The Province of British Columbia has a strong working relationship with our federal colleagues and have used and communicated this process with other departments of DFO.

Regards,

Alec Dale

Executive Director, Ecosystems Branch

Ministry of Environment and Climate Change Strategy

Mailing: PO Box 9338 Stn. Prov. Govt. Victoria, BC V8W 9M1

Courier: 4th Floor, 525 Superior St, Victoria BC V8V 1T7

Tel: 778-698-4384

Fax: 250-387-9750

Email: [alec.dale@gov.bc.ca](mailto:alec.dale@gov.bc.ca)

---

**From:** PAC-SARA / LEP-PAC (DFO/MPO) [<mailto:SARA.XPAC@dfo-mpo.gc.ca>]

**Sent:** Tuesday, June 12, 2018 3:15 PM

**Subject:** External review consultations: critical habitat section of the draft Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) in Canada

Dear SARCC Members,

Please find attached information regarding the Fisheries and Oceans Canada / Parks Canada Agency external review of the critical habitat section (section 7) of the Species at Risk Act draft Amended Recovery Strategy for the Northern and Southern Resident Killer Whales in Canada.

Please distribute this notice and attachments to any other individuals or organizations you believe may be interested in this review.

If you have received this message in error please notify us, and we will ensure your contact information is removed from our distribution list.

Thank you,

Species at Risk Program

Pacific Region

Fisheries and Oceans Canada

200-401 Burrard Street, Vancouver BC V6C 3S4

Telephone: 604-666-7907

Facsimile: 604-666-0417

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

**REVIEW:**

**Name of Reviewer (Affiliation):** The Province of British Columbia - Charlie Short (Ministry of Forest, Lands, Natural Resource Operations and Rural Development [FLNR]); Ron Ptolemy (Ministry of Environment and Climate Change Strategy [ENV]); Karen Stefanyk (ENV); Ben Clark & Amber Mattock (Tourism Branch, Ministry of Tourism, Arts and Culture [TAC]); Stephen Ban (BC Parks, [ENV]); Alanya Smith (Ministry of Indigenous Relations and Reconciliation [MIRR]), Larry Neilson and Michael Turner on (on behalf of the Ministry of Agriculture [AGRI])

**Date of Review:** July 18, 2018

**General Comments:**

- B.C. commends the federal government for their efforts to address the destruction of critical habitat for RKW
- Consistent with our bilateral conversations through the Oceans Coordinating Committee (OCC) and the Regional Committee on Oceans Management (RCOM), and other BC/DFO venues, B.C. requests that the federal government continue to engage with us on initiatives related to Southern RKW and ensure the opportunity to provide feedback in a meaningful way is provided.
- The Province of British Columbia and its associated Ministries would like to stay informed regarding the research underway, so we can proactively work with our industry stakeholders and the public to anticipate any changes in operating procedures or regulations that may result from the research findings.



Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

SARCC Review

SPECIFIC COMMENTS

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
Charles Short [FLNR]	s. 7	<p>Cumulative impacts of activities that may affect critical habitat components are not discussed enough or at all – this is an important consideration given the amount current and historical impacts to KW habitat.</p> <p>a. Refinement of mitigation measures spatially would benefit from more comprehensive cumulative impacts type analyses.</p>		<ul style="list-style-type: none"> <li>- Noted, no change made. Recovery Measures to help achieve the population and distribution objectives necessary for the survival and recovery of Resident Killer Whales (RKW) are included in the Action Plan for the Northern and Southern Resident Killer Whale (<i>Orcinus orca</i>) in Canada, including measures that address cumulative effects directly. For example, Recovery Measure 11 states to “Assess cumulative effects of potential anthropogenic impacts on Resident Killer Whales using an appropriate impact assessment framework for aquatic species”. To address this, DFO is currently working on an assessment of the cumulative effects of the three primary anthropogenic threats on NRKW and SRKW populations. This will include a description of the impacts of threats on the mortality and fecundity of the species, parameterization of the impacts, and a quantitative population viability analysis (PVA) for each population.</li> <li>- <b>a)</b> Noted, no change made. No management measures are currently under consideration for the areas within which the proposed critical habitat (CH) occurs. Under the <i>Species at Risk Act</i> (SARA) it is the destruction of CH caused by human activities which is prohibited and not the activities themselves. If and when management measures for RKW survival and recovery are considered in any location, DFO will engage Indigenous groups, stakeholders and government agencies on these recovery measures through existing processes and mechanisms, and/or through other means as required. If sufficient information becomes available, this type of analysis to refine mitigation measures may be possible in the future.</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
Charles Short [FLNR]	s. 7	Access to rubbing beaches are identified as a key function for NRKW in identified critical habitat yet they can be discretely spatially identified – why not be more explicit on location. It seems that legal protection for identified sites with specific regulations would be most effective in these areas and could be implemented on a priority basis.		<ul style="list-style-type: none"> <li>- Noted, no change made. Although some of the rubbing beaches (i.e. those located in Robson Bight) are well-known, it is likely that there are additional beaches that are important for NRKW that are not yet identified. The broad language used helps to ensure that rubbing beaches that may be identified in the future are also able to be considered a feature of CH.</li> <li>- The identification and protection of CH does not, in itself, result in implementation of mitigative measures. If management measures related to RKW recovery are considered in any location, DFO will engage Indigenous groups, stakeholders, and government agencies through existing processes and mechanisms, and/or through other means as required.</li> </ul>
Charles Short [FLNR]	s. 7	Prey availability is another element of critical habitat that is clearly a high priority although only fishing is explicitly identified as a threat. Would be more useful to itemize all activities that are detrimental to salmon habitat, population units / stocks, by species and area. Mitigation and protective measure would be more easily identified and implemented.		<ul style="list-style-type: none"> <li>- Noted, no change made. The examples of activities likely to destroy CH are not an exhaustive nor exclusive list of all activities that could potentially impact CH, and exclusion of an activity does not preclude or restrict the Department or PCAs ability to regulate that activity under SARA.</li> <li>- Though we do have some understanding of the salmon stocks that are important to RKW in summer and fall, there is still limited knowledge on the winter and spring diet of RKW. Studies listed in the Schedule of Studies of the Recovery Strategy and Recovery Measures in the Action Plan are aimed at better understanding prey availability (e.g., year-round prey diet, identification of important stocks). The broad language used helps ensure potential future information can be included as it becomes available.</li> </ul>
Charles Short [FLNR]	s. 7	Limited identification of terrestrial impacts to critical aquatic habitat – unclear as to what the extent of potential impacts of implementing the		<ul style="list-style-type: none"> <li>- Noted, no change made. Under SARA, the destruction of CH caused by human activities is prohibited, rather</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
		recovery strategy would be in this regard (e.g., forestry, urban planning and effluent regulations, shoreline / coastal development, tourism)		<p>than activities that may cause this destruction. The examples of activities likely to destroy CH are not an exhaustive or exclusive list and every proposed activity must be assessed on a case-by-case basis with site-specific mitigation applied where reliable and available.</p> <ul style="list-style-type: none"> <li>- No management measures are currently under consideration for the areas within which the proposed CH occurs. If management measures for RKW recovery are considered in any location within CH, DFO will engage Indigenous groups, stakeholders, and government agencies through existing processes and mechanisms, and/or through other means as required.</li> </ul>
Charles Short [FLNR]	s. 7	Given that SRKW identified critical habitat is in the most impacted, heavily populated and intensely utilized marine environment in the province that all identified features, functions and attributes (except rubbing beaches) exist it may be useful to prioritize areas within to assist in implementation and mitigate impacts to socio-economic values that would be identified as impacting (i.e., destroying) aquatic critical habitat as defined.		<ul style="list-style-type: none"> <li>- Noted, no change made. The identification and protection of CH does not, in itself, result in socio-economic impacts. No management measures are currently under consideration for the areas within which the proposed CH occurs. Under SARA, the destruction of CH caused by human activities is prohibited, rather than activities that may cause this destruction. If management measures for RKW recovery are considered in any location within CH, DFO will engage Indigenous groups, stakeholders, and government agencies through existing processes and mechanisms, and/or through other means as required.</li> <li>- For example, measures directly related to abating the threat of lack of prey availability, and to conserve BC Chinook stocks, the Department engages and consults through established and regular processes which include the opportunity for input from affected Indigenous groups and sectors. Fishery management options are discussed annually through Integrated Fisheries Management Plan (IFMP) processes and it was through these processes that the 2018 fisheries</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
				closures to protect key SRKW foraging areas were implemented.
Ronald A. Ptolemy, R.P.Bio.	s 7	Last review by Ptolemy completed in 2008 with stated concerns over unknown weighting by stressor to the persistence of healthy populations. Table 6 (current draft) is a good start to identifying stressors but is incomplete and has no science weighting as to what is really important to act on.		<ul style="list-style-type: none"> <li>- Noted, no change made. The objective of Table 6 is to provide a list of examples of activities that are likely to occur in and around CH and would result in the destruction of CH if left unmitigated. The list of activities is not meant to be exhaustive nor exclusive and every proposed activity must be assessed on a case-by-case basis with site-specific mitigation applied where reliable and available.</li> <li>- Studies toward the identification and clarification of stressors are outlined in the Schedule of Studies and in Recovery Measures of the Action Plan. For example, to address Recovery Measure 11 ("Assess cumulative effects of potential anthropogenic impacts on Resident Killer Whales using an appropriate impact assessment framework for aquatic species"), DFO is currently working on an assessment of the cumulative effects of the three primary anthropogenic threats on NRKW and SRKW populations. This will include a description of the impacts of threats on the mortality and fecundity of the species, parameterization of the impacts, and a quantitative PVA for each population.</li> </ul>
Ronald A. Ptolemy, R.P.Bio.	s 7	There is no indication of the relative risk of various stressors between the Northern and Southern populations. For example if the Northern population is classed as healthier than the Southern population in terms of reproductive rate or mortality rate, both populations are subject to marine noise conditions so is under-water noise a common characteristic that is of lower concern for mitigative actions? Johnstone Strait is a very noisy place with many outboard motors operating as detected through hydrophones each year. Any noisier than Strait of		<ul style="list-style-type: none"> <li>- Noted, no change made. Both populations are at risk, with SRKW listed as Endangered and NRKW listed as Threatened in Schedule 1 of SARA. Resident Killer Whale populations in BC are presently considered to be at risk because of their small population size, low reproductive rate, and the existence of a variety of anthropogenic threats that have the potential to prevent recovery or to cause further declines. The CH criteria is the same for both populations, and the features,</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
		Juan de Fuca or Puget Sound?		<p>functions and attributes apply to CH, with the exception of rubbing beaches, which is specific to the NRKW population and noted as such in Section 7. For identification of CH, features, functions and attributes must be identified. Functions = how a species uses CH to carry out life-cycle processes. Features = the biophysical components of the CH that have the functional capacity to support a life process. Attributes = the measureable characteristics of a feature.</p> <ul style="list-style-type: none"> <li>- The features and attributes identified are those that are needed for RKW to carry out their life functions (e.g. foraging, reproduction, socialization). As an example, the acoustic environment is a feature that is required for RKW foraging, reproduction, resting etc.</li> <li>- DFO has initiated a cumulative effects study to provide an assessment of the cumulative effects of the three primary anthropogenic threats on Northern and Southern Resident Killer Whales populations. This will include a description of the impacts of threats on the mortality and fecundity of the species, parameterization of the impacts, and a quantitative PVA for each population.</li> <li>- Potential mitigation measures that may be considered in the future may differ between populations but no management measures are currently under consideration for the areas within which the proposed CH occurs.</li> </ul>
Ronald A. Ptolemy, R.P.Bio.	s 7	If legal approach distances (200m) are the same during the busy summer months for both groups of Orca, is distance constraints a big issue?		<ul style="list-style-type: none"> <li>- Noted, no change made. The 200m approach distance is consistent with both science advice from the 2017 Science Advisory Report (<a href="http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2017/2017_011-eng.html">http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2017/2017_011-eng.html</a>) and with the 2018 amendments to the Canadian Marine Mammal</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
				Regulations under the <i>Fisheries Act</i> which include a new mandatory requirement for all marine vessels (including recreational boats) to stay at least 200 meters away from Killer Whales in BC and the Pacific Ocean ( <a href="http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html">http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html</a> ).
Ronald A. Ptolemy, R.P.Bio.	s 7	It seems autopsy reports of dead Orca from the Southern Population Group show high levels of toxins and contaminants more so than for Northern Population, why does Table 6 not address this important issue. Providing more forage fish (chinooks and chum) may not be a holistic solution.		<ul style="list-style-type: none"> <li>- Noted, no change made. The issue of environmental contaminants is addressed through the feature “water quality” and through activities included in Table 6 (“Release of deleterious substances” and “Point source and non-point source pollution”).</li> <li>- The threat of contaminants to RKW is described in detail in section 4.2 of the Amended Recovery Strategy; Section 7 addresses threats to the habitat specifically.</li> <li>- Management measures are not being suggested and/or implemented here.</li> </ul>
Ronald A. Ptolemy, R.P.Bio.		Is there a simple graphic that shows aerial frequency (use of drones) of poorly conditioned Orca differences between the two target groups? Could not find this information in the supplied material.		<ul style="list-style-type: none"> <li>- Noted, no change made. Photogrammetry efforts to better understand trends (e.g., seasonal, annual, population) in NRKW and SRKW body condition are underway through Vancouver Aquarium Marine Science Centre’s Ocean Wise Marine Mammal Research Program and NOAA (in collaboration with the Center for Whale Research). Information from this research will be included as it becomes available.</li> </ul>
Ronald A. Ptolemy, R.P.Bio	S 7	What efforts are being made to manage chinook fisheries to ensure sufficient spawner numbers are available to fill the freshwater capacity of rivers used by the salmon species for reproduction and rearing? This is not captured well in Table 6.		<ul style="list-style-type: none"> <li>- Noted, no change made. Table 6 provides examples of activities likely to result in the destruction of CH of RKW and is not meant to capture specific management actions.</li> <li>- The Department manages Chinook Salmon fisheries to meet domestic conservation objectives and International obligations under the Pacific Salmon Treaty. Increasing</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
				management actions have been taken in recent years to ensure conservation and promote rebuilding of these populations. Specific actions are identified in Northern and Southern BC Salmon Integrated Fisheries Management Plans.
AGRI	General	There are potential implications for the Province, specifically around environmental contaminants, nearshore use (planning, industrial development), tourism and recreational fishing and shipping/ports		<ul style="list-style-type: none"> <li>- Noted, no change made. Under SARA, the destruction of CH caused by human activities is prohibited, rather than activities that may cause this destruction. The examples of activities likely to destroy CH are not an exhaustive or exclusive list and every proposed activity must be assessed on a case-by-case basis with site-specific mitigation applied where reliable and available.</li> <li>- No management measures are currently under consideration for the areas within which the proposed CH occurs. If management measures for RKW recovery are considered in any location within CH, DFO will engage Indigenous groups, stakeholders, and government agencies through existing processes and mechanisms, and/or through other means as required.</li> </ul>
AGRI	General	AGRI has an interest in the RKW file from a commercial and recreational fisheries perspective. Chinook salmon are the primary food source for southern RKW's and recent recovery measures have led to reductions in fishing opportunities for that species.		<ul style="list-style-type: none"> <li>- Noted, no change made. Management measures are not being suggested and/or implemented here. No management measures are currently under consideration for the areas within which the proposed CH occurs. Further, there are no immediate plans to add new closures or to change the 2018 fisheries closures that protect the key SRKW foraging areas as described in the 2018 Southern Pacific Salmon Integrated Fisheries Management Plan. The Department will be reviewing its fishery closure approach with Indigenous groups and stakeholders as part of the regular post-season review process.</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
AGRI / ALL	General	As GOC goes forward with planning and implementation of measure to protect SRKW and chinook and chum as prey species, B.C. seeks a clear, and open and transparent consultation process with FN, stakeholders and the B.C.		<ul style="list-style-type: none"> <li>- Noted, no change made. For measures directly related to abating the threat of lack of prey availability, and to conserve BC Chinook stocks, the department engages and consults through established and regular processes which include the opportunity for input from affected Indigenous groups and sectors. Fishery management options are discussed annually through IFMP processes – it was through these processes that the 2018 fisheries closures to protect key SRKW foraging areas were implemented. The Department will be reviewing its fishery closure approach with Indigenous groups and stakeholders as part of the regular post-season review process.</li> </ul>
TAC	General	Because whale watching and sport fishing are tourism activities that fall under federal jurisdiction, there are limited management implications for the Province with respect to tourism specifically. Where the Province could play a proactive role is helping to promote responsible environmental guidelines and operating procedures in these industries. This aligns well with other work being done with the Adventure Tourism Coalition members with respect to heli-skiing and bear viewing. Many whale watching operators on the B.C. coast are part of the Pacific Whale Watch Association – here are their voluntary guidelines: <a href="https://www.pacificwhalewatchassociation.com/guidelines/">https://www.pacificwhalewatchassociation.com/guidelines/</a>	Low – FYI	<ul style="list-style-type: none"> <li>- Noted, no change made.</li> </ul>
TAC	General – on-going communications	[The BC Government] Tourism Branch would like to stay informed regarding the research underway, so we can proactively work with our industry stakeholders and the public to anticipate any changes in operating procedures or regulations that may result from the research findings.	Low – Communication	<ul style="list-style-type: none"> <li>- Noted, no change made.</li> </ul>
TAC	Socio-economic impact assessment	Southern Vancouver Island is a popular tourism destination for whale watching and restrictions could have economic impacts on the businesses operating within critical habitat areas. The 200 meter		<ul style="list-style-type: none"> <li>- Noted, no change made. Socio-economic considerations for identification of CH will only be taken into account where candidate habitat for identification as</li> </ul>



Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada  
SARCC Review

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
		restriction will impact business operations and visitor experience – of which whale watching is a key motivating factor to trip planning in B.C.		<p>“CH” exceeds the amount of habitat that is necessary for the survival and recovery of the species, or when selecting candidate areas for habitat restoration. Depending on the outcome of the Triage Statement Form, a cost-benefit analysis that includes a quantitative and monetized analysis may be undertaken for the Regulatory Impact Analysis of a Critical Habitat Order.</p> <ul style="list-style-type: none"> <li>- The new mandatory requirement for all marine vessels (including recreational boats) to stay at least 200 meters away from Killer Whales in BC and the Pacific Ocean is part of the amendments to the Canadian Marine Mammal Regulations under the <i>Fisheries Act</i> (<a href="http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html">http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html</a>) and will be in place regardless of this process.</li> </ul>
TAC		<b>Question:</b> Are there opportunities for whale watching operators to get closer than 200 meters if they use alternate sources of power?		<ul style="list-style-type: none"> <li>- Noted, no change made. Key threats to RKW includes disturbance, both physical and acoustic. Not only is noise from vessels a part of the disturbance threat, but also the physical presence of vessels.</li> <li>- Restrictions apply to all vessels; the 2018 amendments to the Canadian Marine Mammal Regulations under the <i>Fisheries Act</i> include a new mandatory requirement for all marine vessels (including recreational boats) to stay at least 200 meters away from Killer Whales in BC and the Pacific Ocean (<a href="http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html">http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html</a>).</li> </ul>
BC Parks		<p><b>RE: Potential Management Implications in Robson Bight</b></p> <p>1) Even though it's a designated ecological reserve, the [P]rovince has no authority or enforcement powers to prevent vessels (powered or not) from entering the reserve. For this and other joint provincial-federal initiatives, having a</p>		<ul style="list-style-type: none"> <li>- Noted, no change made.</li> <li>- 1) The 2018 amendments to the Canadian Marine Mammal Regulations under the <i>Fisheries Act</i> include, among other changes, a new mandatory requirement for all marine vessels (including recreational boats) to stay at least 200 meters away from Killer Whales in BC and</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
		<p>Memorandum of Understanding (MoU) allowing provincial staff to enforce areas of federal jurisdiction would be a great step forward. [<i>The Province did note that there is a warden program in place that educates people in the area</i>].</p> <p>2) DFO itself continues to conduct test fisheries in and around the reserve waters, which at the very least looks terrible from a public relations standpoint even if it doesn't materially affect prey availability.</p>		<p>the Pacific Ocean (<a href="http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html">http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors126-eng.html</a> ).</p> <ul style="list-style-type: none"> <li>- 2) Test fisheries are conducted in and around reserve waters. DFO's Pacific Salmon Management group has identified this issue to be included as a topic in the upcoming Integrated Fisheries Management Plan for Salmon.</li> </ul>
Alanya Smith [MIRR]	General – First Nations Consultations	<p>[In reviewing the amended recovery strategy and materials provided] there is no explicit mention of engagement that the federal government may have undertaken with Indigenous communities and governments with territories on the coast. B.C. is aware of the strong interests that coastal First Nations have in the health of the marine environment. In consideration of Canada and B.C.'s commitments to implement the UN Declaration on the Rights of Indigenous Peoples, B.C. encourages the federal government to undertake meaningful engagement with coastal First Nations in the development of the amended recovery strategy and in the communication of its final form and around its implementation.</p>		<ul style="list-style-type: none"> <li>- Noted, no change made. Following the national SARA consultation approach, a 30-day online external review on the draft amended recovery strategy was held June 12 – July 11, 2018. The external review was targeted for those potentially affected to provide feedback on the draft amended recovery strategy prior to public consultation. The distribution list included those considered to have potential for direct affect (those groups that have direct overlap or border the existing or new critical habitat areas) but given the high profile nature of the species and its coastal distribution, the list also included those groups along the coast that are not considered to have potential for direct affect. As part of the broad coastal approach for this process, 122 Indigenous groups were included in the distribution list, which included the option for bilateral meetings. Several meetings with Indigenous groups and stakeholders were held upon request during the external review period.</li> <li>- Additional stakeholder, Indigenous, and public input is being sought through the publication of the proposed document on the Species at Risk Public Registry for the 60-day public comment period, ending November 3, 2018. During the 60-day public comment period, further regional opportunities through in-person meetings, webinars will be provided to discuss and provide</li> </ul>

**Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**  
**SARCC Review**

Reviewer	Section and/or Line # of Recovery Strategy	Specific Comment	Priority	Pacific Species at Risk Program Response
				<p>information on the proposed critical habitat, including the description of the science advice underlying the identification of the new areas. These additional processes will be identified through future emails. If requested, bilateral meetings will be held with Indigenous groups.</p> <ul style="list-style-type: none"> <li>- Following the completion of the 60-day public comment period, the proposed amended Recovery Strategy will be finalised, taking into consideration the comments received, and published as a final document on the SAR Public Registry.</li> </ul>

Subject: DFO Response to BC Review of Section 7 (Critical Habitat) of the draft amended RS for SRKW and NRKW: external review

To: Welsh, Leah ENV:EX [mailto:Leah.Welsh@gov.bc.ca] **On Behalf Of** Dale, Alec R ENV:EX  
Cc: Dolhaine, Daphne ENV:EX; Dale, Alec R ENV:EX; Leslie, Karen; Rasmussen, Paul FLNR:EX; Helen Davies; PAC-SARA / LEP-PAC (DFO/MPO); Webb, Cheryl

-----  
Dear Mr. Dale,

Thank you for providing feedback in response to the Fisheries and Oceans Canada (DFO) and the Parks Canada Agency (PCA) external review process on section 7 (critical habitat) of the draft *Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada*. We recognize the effort the Province of British Columbia has put forward in this process.

The comments received from the Province of British Columbia have been reviewed and detailed responses have been provided for each comment (see attached).

We would like to take this opportunity to provide clarification on concerns raised in your letter, especially regarding potential for socio-economic impacts of management measures within critical habitat. No management measures are currently under consideration for the areas within which the proposed critical habitat occurs. Under the *Species at Risk Act* it is the destruction of critical habitat caused by human activities which is prohibited and not the activities themselves. If management measures for Resident Killer Whale (RKW) survival and recovery are considered in any location, DFO will engage Indigenous groups and stakeholders on these recovery measures through existing processes and mechanisms, and/or through other means as required.

DFO and PCA have now posted the proposed version of the amended Recovery Strategy on the Species at Risk (SAR) Public Registry. Section 7 (Critical Habitat) of this document is now open for public consultation on the SAR Public Registry for a 60-day comment period (concluding November 3). During the 60-day public comment period, further regional opportunities will be provided to discuss and provide information on the proposed critical habitat, including the description of the science advice underlying the identification of the new areas. Two webinars and two in-person meetings have been identified through a notification email sent September 14, 2018, including opportunity for bilateral meetings with Indigenous groups as requested.

Following the completion of the 60-day public comment period, the proposed amended Recovery Strategy will be finalised, taking into consideration the comments received, and published as a final document on the SAR Public Registry.

Yours sincerely,

Cheryl Webb

Regional Director, Ecosystems Branch  
Pacific Region

**From:** Dale, Alec R ENV:EX  
**To:** Dolhaine, Daphne ENV:EX  
**Subject:** RE: BC Response to Section 7 (Critical Habitat) of the Amended RS for SRKW and NRKW  
**Date:** September 25, 2018 4:41:00 PM

---

Will let you distribute....

---

**From:** Leslie, Karen <Karen.Leslie@dfo-mpo.gc.ca>  
**Sent:** September 25, 2018 4:01 PM  
**To:** Dale, Alec R ENV:EX <Alec.Dale@gov.bc.ca>  
**Cc:** Rasmussen, Paul FLNR:EX <Paul.Rasmussen@gov.bc.ca>; Dolhaine, Daphne ENV:EX <Daphne.Dolhaine@gov.bc.ca>; Helen Davies <helen.davies@pc.gc.ca>; Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>; Welsh, Leah ENV:EX <Leah.Welsh@gov.bc.ca>  
**Subject:** RE: BC Response to Section 7 (Critical Habitat) of the Amended RS for SRKW and NRKW

Dear Mr. Dale,

Thank you for providing feedback in response to the Fisheries and Oceans Canada (DFO) and the Parks Canada Agency (PCA) external review process on section 7 (critical habitat) of the draft Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) in Canada. I am responding on behalf of Cheryl Webb, Regional Director, Ecosystems Management Branch.

We recognize the effort the Province of British Columbia has put forward in this process. The comments received from the Province of British Columbia have been reviewed and detailed responses have been provided for each comment (see attached).

We would like to take this opportunity to provide clarification on concerns raised in your letter, especially regarding potential for socio-economic impacts of management measures within critical habitat. No management measures are currently under consideration for the areas within which the proposed critical habitat occurs. Under the Species at Risk Act it is the destruction of critical habitat caused by human activities which is prohibited and not the activities themselves. If management measures for Resident Killer Whale (RKW) survival and recovery are considered in any location, DFO will engage Indigenous groups and stakeholders on these recovery measures through existing processes and mechanisms, and/or through other means as required.

DFO and PCA have now posted the proposed version of the amended Recovery Strategy on the Species at Risk (SAR) Public Registry. Section 7 (Critical Habitat) of this document is now open for public consultation on the [SAR Public Registry for a 60-day comment period](#) (concluding November 3). During the 60-day public comment period, further regional opportunities will be provided to discuss and provide information on the proposed critical habitat, including the description of the science advice underlying the identification of the new areas. Two webinars and two in-person meetings have been identified through a notification email sent September 14, 2018, including opportunity for bilateral meetings with Indigenous groups as requested.

Following the completion of the 60-day public comment period, the proposed amended Recovery

Strategy will be finalised, taking into consideration the comments received, and published as a final document on the SAR Public Registry.

Yours sincerely,

Karen

Karen Leslie  
Regional Manager, Species at Risk Program  
Fisheries and Oceans Canada / Government of Canada  
[Karen.Leslie@dfo-mpo.gc.ca](mailto:Karen.Leslie@dfo-mpo.gc.ca) / 604-666-0395

Gestionnaire régional, Programme des espèces en péril  
Pêches et Océans Canada / Gouvernement du Canada  
[Karen.Leslie@dfo-mpo.gc.ca](mailto:Karen.Leslie@dfo-mpo.gc.ca) / 604-666-0395

---

**From:** Welsh, Leah ENV:EX [<mailto:Leah.Welsh@gov.bc.ca>] **On Behalf Of** Dale, Alec R ENV:EX  
**Sent:** 2018-July-19 8:01 AM  
**To:** PAC-SARA / LEP-PAC (DFO/MPO); Webb, Cheryl  
**Cc:** Dolhaine, Daphne ENV:EX; Dale, Alec R ENV:EX; Leslie, Karen; Rasmussen, Paul FLNR:EX; Helen Davies  
**Subject:** BC Response to Section 7 (Critical Habitat) of the Amended RS for SRKW and NRKW

Dear Ms. Webb,

Thank you for the opportunity to review Section 7 of the ***Amended Recovery Strategy for Northern and Southern Resident Killer Whales [Draft]***. Potentially affected ministries within the BC government had an opportunity to review and comment on the amended recovery strategy.

Specific comments have been attached in regards to Section 7 of the amended Recovery Strategy and does include some general comments on the Recovery Strategy as a whole.

I would like to start by recognizing the effort that DFO has made to consult with the province of British Columbia (BC) throughout the development of this draft amended recovery strategy. We have reviewed Section 7, as per the External Review Request, June 12, 2018, and have provided comments (attached) for consideration. The Province would appreciate a response as to how these comments have been considered/addressed in the Amended Recovery Strategy.

The province of British Columbia supports a transparent, science-based process for the identification of habitat required for a species' survival or recovery, where habitat protection decisions are informed by science and the evaluation of socio-economic considerations, full consultation with all directly affected parties has been completed, and all significant concerns have been addressed.

The Ministry of Environment and Climate Change Strategy, on behalf of the BC Government, accepts the proposed Section 7 of the amended Recovery Strategy including Critical Habitat identification as **Science Advice**, but we **do not support implementation of legal habitat protection measures** without evaluation of socio-economic implications and **full consultation with directly affected**

parties.

To assist with provincial decision-making around subsequent protection, the province of BC encourages DFO to ensure that the relevant spatial and management information relating to proposed critical habitat is made readily available to statutory decision makers, for example through FrontCounter BC.

Side note – the request for this review came through a variety of avenues to the Province. Please ensure any review requests for the Province are directed to the Recovery Planning Coordinator ([Karen.Stefanyk@gov.bc.ca](mailto:Karen.Stefanyk@gov.bc.ca)), to ensure comprehensive, consolidated and timely review by all potentially affected ministries. The Province of British Columbia has a strong working relationship with our federal colleagues and have used and communicated this process with other departments of DFO.

Regards,

Alec Dale  
Executive Director, Ecosystems Branch  
Ministry of Environment and Climate Change Strategy  
Mailing: PO Box 9338 Stn. Prov. Govt. Victoria, BC V8W 9M1  
Courier: 4th Floor, 525 Superior St, Victoria BC V8V 1T7  
Tel: 778-698-4384  
Fax: 250-387-9750  
Email: [alec.dale@gov.bc.ca](mailto:alec.dale@gov.bc.ca)

---

**From:** PAC-SARA / LEP-PAC (DFO/MPO) [<mailto:SARA.XPAC@dfo-mpo.gc.ca>]

**Sent:** Tuesday, June 12, 2018 3:15 PM

**Subject:** External review consultations: critical habitat section of the draft Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) in Canada

Dear SARCC Members,

Please find attached information regarding the Fisheries and Oceans Canada / Parks Canada Agency external review of the critical habitat section (section 7) of the Species at Risk Act draft Amended Recovery Strategy for the Northern and Southern Resident Killer Whales in Canada.

Please distribute this notice and attachments to any other individuals or organizations you believe may be interested in this review.

If you have received this message in error please notify us, and we will ensure your contact information is removed from our distribution list.

Thank you,  
Species at Risk Program  
Pacific Region  
Fisheries and Oceans Canada  
200-401 Burrard Street, Vancouver BC V6C 3S4  
Telephone: 604-666-7907  
Facsimile: 604-666-0417