



*June 2021*

Exploring Protection Priorities for Southern Resident Killer Whale Foraging Areas Along the Westside of San Juan Island.

## **Stakeholder Engagement Session Follow-up**

### **Background**

On May 13, 19 and 20, 2021 San Juan County Marine Program, supported by the San Juan County Marine Resources Committee hosted a series of stakeholder engagement sessions to discuss the results of scientific studies conducted over 2019 and 2020 and to identify management actions that have the potential to facilitate greater protection for foraging whales.

These sessions were a core part of the National Fish and Wildlife Foundation funded project that the County has been leading since 2019. The project has engaged both expert scientists and the community to collect key scientific and community value data that will allow a better understanding of:

- The soundscape of the westside of San Juan Island.
- Where the high priority foraging areas used by the Southern Resident killer whales are located.
- How and where humans value the westside of San Juan Island.
- How whale foraging areas and human use areas overlap.

The stakeholder sessions were held virtually using the online platform Zoom. The first session provided participants with an overview of the project and showed participants where to find the results of the studies conducted, review the pre-recorded presentations and explore how whale foraging areas and human use areas overlap via a web map application. These materials were all made available for participants to review and digest via a dedicated webpage on the MRC website ([here](#)).

The second and third sessions were facilitated by Confluence Research and Consulting and laid out a variety of management ideas for participants to discuss and provide feedback on with the goal of identifying options that had a level of consensus from participants. Participants represented core stakeholder groups including:

- Recreational boaters
- Recreational fishers
- Commercial fishers
- Commercial whale watch companies
- Commercial kayak companies
- Westside residents
- Whale advocates and non-profits

Forty-eight individuals were invited to participate, including members of the Marine Resources Committee and representation from local land managers such as San Juan County Parks, National Parks Service and the San Juan County Landbank. On average 21 people participated in each session, with at least one person from each stakeholder group. The sessions aimed to identify options and ideas that could achieve a balance that is protective of the whales and continues to offer the traditional uses by Tribes and the community. While progress

was made, we know that our work is not yet done. Below we summarize where we think the sessions landed and then lay out the next steps for the project.

### **Stakeholder Engagement Session Summary**

The following provides a summary of the outcomes of these sessions.

There was ***wide support for new mandatory go-slow-and-quiet zones that protect priority foraging areas***. This new area could extend ~3/4 of mile offshore and boats would be required to keep maximum speeds under 7 knots if transiting through the zone, and strongly encouraged to reduce speeds to 3 knots while trolling, viewing wildlife or relaxing in the zone. However, boundaries for the extended zone would need to be refined to attract consensus support. Boundaries were suggested that a) covered scientifically identified foraging concentrations, b) were easy for boaters to identify on the water (using prominent landmarks such as lighthouses and buoys) and c) would not encroach on USCG navigation channels. Participants did express several concerns, but also provided suggestions for refining these boundaries.

Participants considered slow-and-quiet zones that would be required full-time (24 hours per day, 365 days per year), seasonally (summer only), or only when whales were present. In general, ***consensus appeared to coalesce around full-time slow-and-quiet options*** for the following reasons:

- Full-time slow-and-quiet zones are simpler to communicate and enforce compared to regulations that are triggered only when SRKWs are present.
- While SRKW sighting networks are becoming more robust and are likely to identify most whale occurrences along the west coast of San Juan Island, some participants doubted zone regulations could be activated efficiently enough to protect whales in all cases. Whale presence can be unpredictable, and some SRKWs travel in small groups, or separate from their pod and may not be detected.
- SRKW's may find full-time slow-and-quiet zones more welcoming as they approach; a when-whales-are-present zone only begins after whales have approached those areas.
- Full-time zones avoid informing people when whales are in an area, which could attract boat-based viewers and increase boats in an area (even if they are moving slow).
- Slow-and-quiet zones also benefit other whales and marine wildlife but would minimally help those other species if they are only activated when SRKWs are in the area.

***Some stakeholders prefer mandatory no-go zones instead of slow-and-quiet zones. However, stakeholder consensus disintegrated when considering mandatory no-go zones.*** While most participants appeared to recognize that no-go zones would be more protective for whales, these more restrictive areas were non-starters for private boaters and fishers, and of concern to some whale watching operators. Despite this lack of consensus there may greater capacity to consider limited no-go areas in the future when whales are present should real time sighting/detection systems and the associated technology prove the efficacy of such a management option.

Regardless of whether zones are enlarged, or made no-go or slow-and-quiet, there will be ***need for increased education and enforcement*** to inform boaters and gain support/compliance. Inclusion on paper and electronic charts was viewed as the most important step in educating boaters (with most using electronic chart plotters

that could locate boats and zones with precision). However, some effective enforcement, with appropriate fines for non-compliance, are likely to get many boaters' attention in comparison to the existing voluntary no-go zone (with little enforcement).

There were some key caveats that should be considered when assessing the options and reviewing this summary. The stakeholders were provided little in the way of context for the results of the foraging behavior data and thus the effect of boat presence itself, as opposed to just vessel noise, was not fully considered by stakeholders. Additionally, there was little to no discussion surrounding the impacts or management of human powered vessels such as kayaks or paddle boards. This may be due to the fact that commercial kayak operators are now required to stay within 100 yards of the shoreline within the voluntary no-go zone. However, this is likely to be the most straightforward option for human powered vessels in this area, especially as it is consistent with the requirements of human powered vessels in the new sanctuary zones in the Canadian Gulf Islands.

### **Next Steps**

Going forward San Juan County Marine Program will be conducting a combination of consultation with tribes who hold treaty and cultural rights within the study area and seeking additional input through written comment from the stakeholder groups that participated in this spring's stakeholder engagement sessions.

In early fall 2021 San Juan County will be presenting the results of the science and community value studies, along with the discussions of the stakeholder engagement sessions to those tribes with traditional treaty and cultural rights in the San Juan Islands and particularly in, and adjacent to the study area on the westside of San Juan Island. These presentations will provide San Juan County with the opportunity to learn the perspectives of the tribes and incorporate any recommendations put forth by the tribes with regard to management option ideas that provide protections for the killer whales' foraging areas and their treaty rights.

In addition to our consultation with the tribes we will also be seeking written feedback from the participants of the stakeholder engagement sessions, and their broader stakeholder groups. These comments will be combined with the initial outcomes of the stakeholder engagement sessions and the tribal feedback to help us refine a final set of recommendations for management options that will benefit the whales yet still allow stakeholders to participate in their activities without undue inconveniences. We expect to compile a final report for presentation to WDFW and NOAA in the late fall of 2021.

For additional written feedback we request that comments be submitted via email to [mrc@sanjuanco.com](mailto:mrc@sanjuanco.com).

**To:** Frances Robertson and Kendra Smith

**From:** Dan Shelby, Doug Whittaker, and Bo Shelby

**Subject:** Consensus items from the Southern Resident Killer Whale (SRKW) stakeholder meetings

The following statements and action items represent discussion among stakeholders.

1. Leave the existing  $\frac{1}{4}$ -***mile voluntary no-go zone*** from Mitchell Bay to Cattle Point as is, while increasing outreach and education about the zone to improve compliance. The most critical need is to have zone appear in paper and electronic charts. Most motorized boats have electronic chart plotters, but current versions only include a text-based advisory. Charts need to show the zone on the map.
2. There is ***wide support for new mandatory go-slow-and-quiet zones that protect priority foraging areas***. The goal is to minimize noise from boat motors (generally related to boat speed, acceleration, and design characteristics) and echosounders (e.g., depth sounders and fish finders). Specific elements include:
  - a. The two primary foraging areas near Lime Kill and off South Beach from Eagle Point to Cattle Point (see map). The Lime Kiln area extends to the navigation channel about three-quarters of a mile; the South Beach area extends about three miles out to Salmon Bank.
  - b. Boats would be required to keep maximum speeds under 7 knots when transiting through the zone(s).
  - c. Boats would be strongly encouraged to travel under 3 knots when trolling, viewing wildlife, or relaxing in the zone(s).
  - d. Boats would be advised to minimize speed changes or direction; propeller cavitation from such maneuvers increases noise and impact on whales.
  - e. Boats would be strongly encouraged to turn off fish/depth sounders unless there are safety concerns (e.g., in fog or within 100 ft of shore or shoals), especially if whales are present.
3. Participants considered slow-and-quiet zones that would be required full-time (24 hours per day, 365 days per year), seasonally (summer only), or only when whales were present. In general, ***consensus appeared to coalesce around full-time slow-and-quiet options*** for the following reasons:
  - a. Full-time slow-and-quiet zones are simpler to communicate and enforce compared to regulations that are triggered only when SRKWs are present.
  - b. While SRKW sighting networks are becoming more robust and are likely to identify most whale occurrences along the west coast of San Juan Island, some participants doubted zone

regulations could be activated efficiently enough to protect whales in all cases. Whale presence can be unpredictable, and some SRKWs travel in small groups, or separate from their pod and may not be detected.

- c. SRKW's may find full-time slow-and-quiet zones more welcoming as they approach; a when-whales-are-present zone only begins after whales have approached those areas.
- d. Full-time zones avoid informing people when whales are in an area, which could attract boat-based viewers and increase boats in an area (even if they are moving slow).
- e. Slow-and-quiet zones also benefit other whales and marine wildlife, but would minimally help those other species if they are only activated when SRKWs are in the area.

4. ***Some stakeholders prefer mandatory no-go zones instead of slow-and-quiet zones.***

- a. There is scientific evidence that orca foraging can be affected by the mere presence of boats and the number of boats, not just the sound from boat motors or echo sounders.
- b. Some scientists suggest there may be more benefits to SRKWs from smaller no-go zones compared to larger slow-and-quiet zones.
- c. Robson Bight Ecological Reserve in Johnstone Strait (east side of northern Vancouver Island) is an example of an effective no-go zone. The water-surface component of the protected area is about five square miles (1,300 hectares). The zone extends about 0.5 miles from the closest shoreline, but about 1.3 miles from the deepest part of the bight; it is about 5.5 miles long. This reserve is on a less-developed coast, has less boat traffic, and is much farther from population centers compared to San Juan Island.
- d. No-go zones would provide opportunities for scientists to compare SRKW behavior between environments with and without boats.
- e. No-go advocates note that there are already distance regulations that require boats to slow to under 7 knots around SRKWs, so slow-and-quiet zones provide minimal additional protection in the immediate presence of whales. However, such zones are larger and have fixed boundaries compared to mobile distance regulations, which are challenging to comply with if boaters do not know where the whales are.

5. ***Stakeholder consensus disintegrated when considering mandatory no-go zones.*** While most participants appeared to recognize that no-go zones would be more protective for whales, these more restrictive areas were non-starters for private boaters and fishers, and of concern to some whale watching operators. There was more support for moving forward with go-slow zones to keep the perfect from becoming the enemy of the good.

6. ***Boundaries for even slow-and-quiet zones would probably need to be refined to attract consensus support.*** Example boundaries of slow-and-quiet zones matching priority foraging areas were presented to participants. Boundaries were suggested to cover scientifically-identified foraging concentrations, were easy for boaters to identify on the water (using prominent landmarks such as lighthouses and buoys), and would not encroach on USCG navigation channels. Participants had several concerns and suggestions for refining these boundaries.

- a. The South Beach foraging zone extends from Cattle Point Lighthouse to beyond the Salmon Bank buoy (Number 3). However, the buoy is about 1.75 miles off the coast, and a zone that extended that far would require small craft making the turn at Cattle Point to contend with more challenging strong winds, large swell, and often-opposing currents (which can create hazardous conditions). Options include reducing the boundary distance (e.g., to 0.75 miles) or making the South Beach zone a trapezoid-shaped block.

Rough calculations suggest that a 14 nautical-mile trip along the existing quarter-mile no-go zone from Cattle Pass to Mosquito Pass would increase to roughly 15 nautical miles following a three quarter-mile boundary, and 16 nautical miles following a 1.75 mile boundary. For a boat that cruises at 7 knots, the normal two-hour trip would thus increase by 10 to 20 minutes if they had to avoid the larger zone; for a boat that cruises at 20 knots, a normal 45 minute trip would increase by about 4 to 8 minutes by avoiding the larger zone.

- b. The Lime Kiln foraging zone extends into the USCG navigation corridor, which small craft are advised to avoid larger ship traffic in the corridor. Any slow-and-quiet zone should probably include a buffer corridor for faster small boat travel that is between the slow-and-quiet zone and navigation corridor. At its closest distance, the navigation corridor is about 0.7 miles from the point near Sunken Rock; near Lime Kiln, it is about 0.8 miles.
7. There are ***advantages to having the width of both corridors be the same***; it will just be easier for boaters to know the general rule – go slow and quiet when you approach 0.75 miles of shore; don't go at all within 0.25 miles of shore. There may need to be subtle adjustments to the Lime Kiln zone to avoid encroaching on the navigation corridor.
  8. Regardless of whether zones are enlarged, or made no-go or slow-and-quiet, there will be ***need for increased education and enforcement*** to inform boaters and gain support/compliance. Inclusion on paper and electronic charts was viewed as the most important step in educating boaters (with most using electronic chart plotters that could locate boats and zones with precision). However, some effective enforcement, with appropriate fines for non-compliance, are likely to get many boaters' attention in comparison to the existing voluntary no-go zone (with little enforcement).

**Exploring protection priorities for  
Southern Resident Killer Whale  
foraging areas along  
the westside of San Juan Island**



**Third Stakeholder Engagement Session  
Thursday 20 May 2021**

# Agenda

Who's here?

BRIEF review of last night/overall process

What's on and off the table

The concept of blocks

Six pinatas & discussion

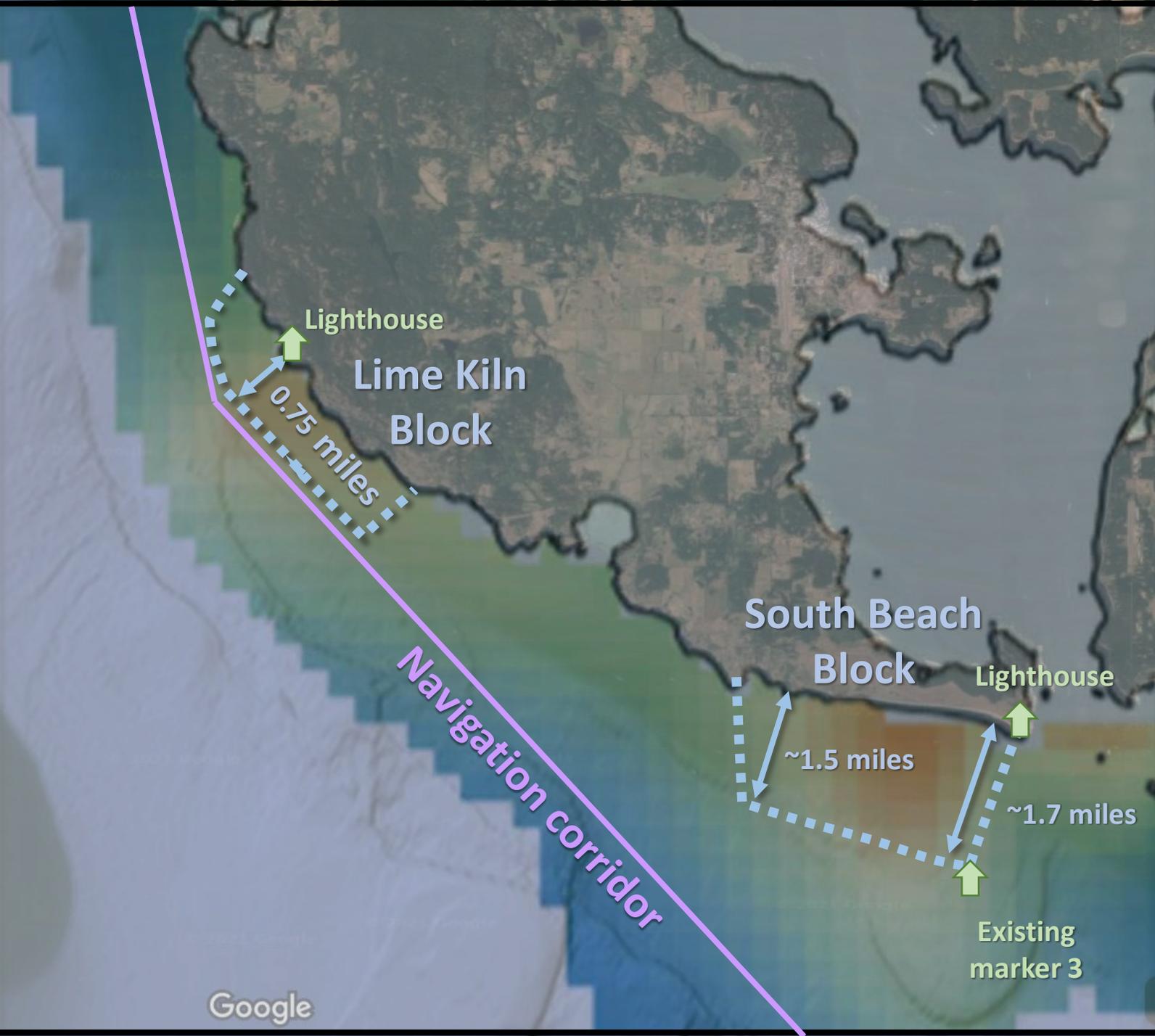
Agree on a refined recommendation?



**Space – create zones around foraging hot spots**  
**Time – apply only when whales are present**  
**Focus on impactful behaviors – sub-surface noise**

**What's on and off  
the table?**

**Sportfish harvest limits – unnecessary**  
**Limits on number of boats – no consensus**  
**Substantially larger no-go zones – no consensus**  
**Commercial viewing and kayaking management – already new 2021 licensing rules**



# The concept of blocks

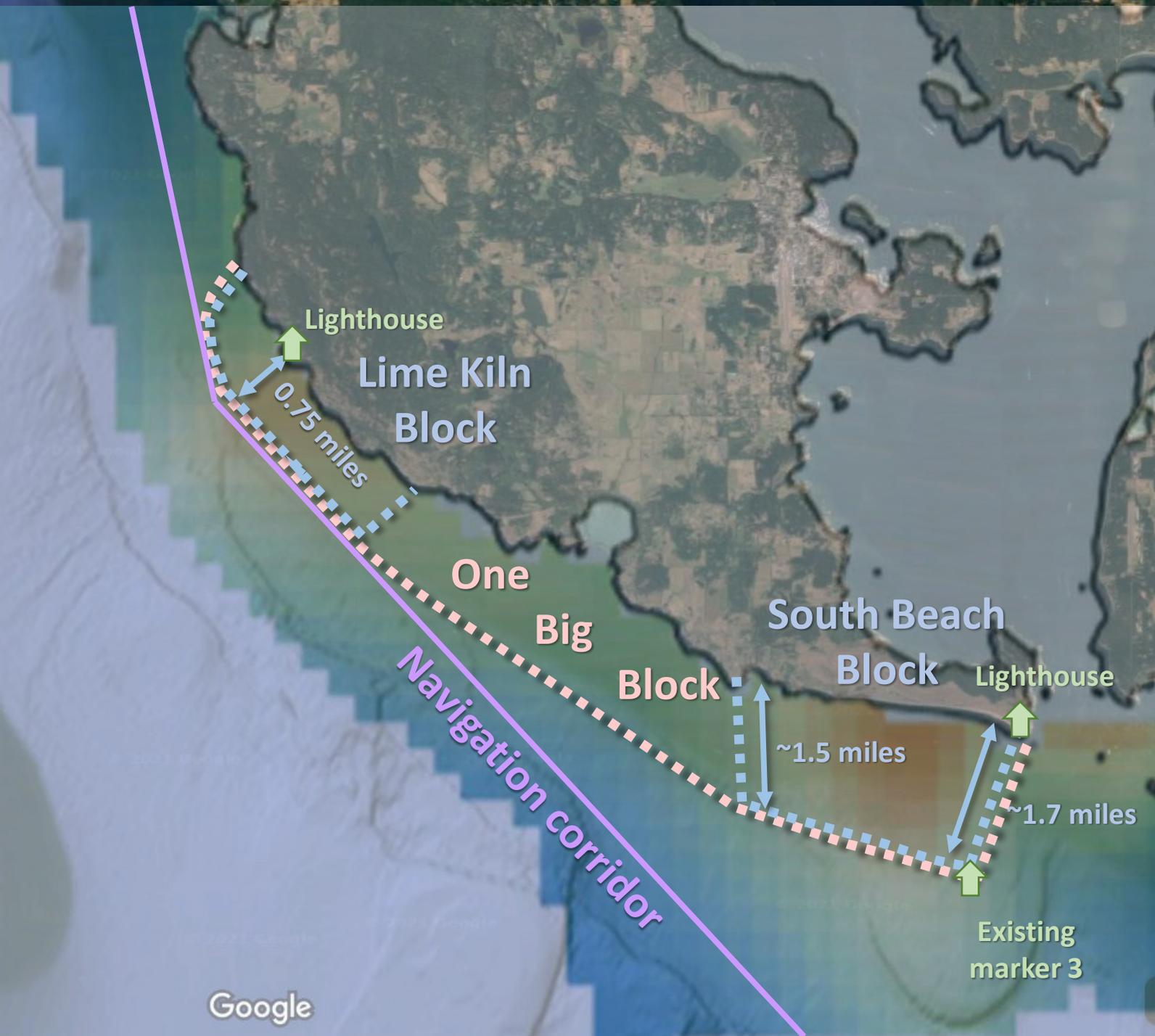
## Orca Foraging Zones (OFZs)?

Two priority foraging hotspots

Do not encroach on navigation corridor

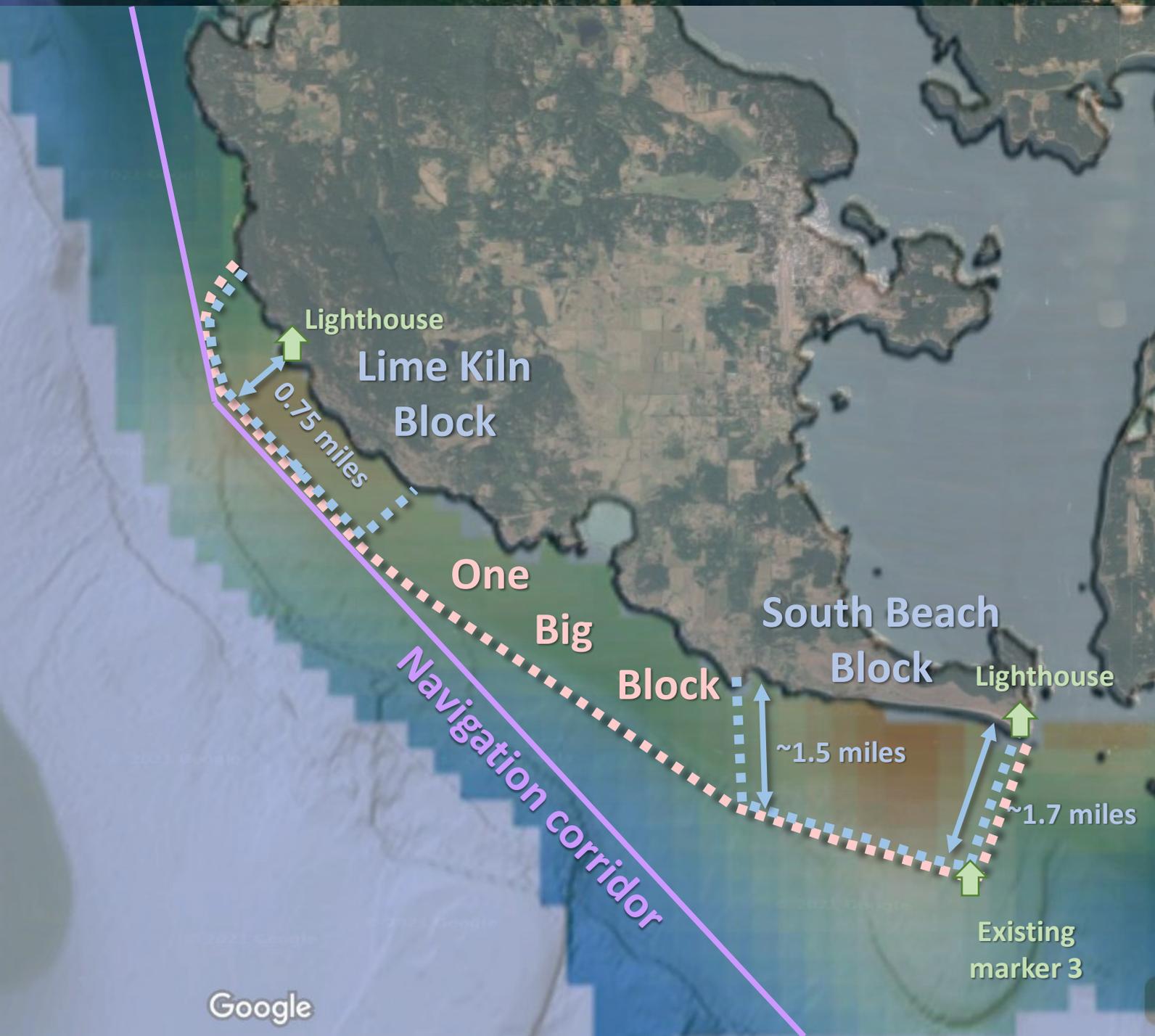
Use existing landmarks to identify zones

Manage speed and noise within blocks



## Pinata 1

Two small blocks  
vs.  
one big block



## Pinata 2

# Managing speed & noise in OFZs

*“Go slow and be quiet”*

- < 7 kts in transit
- < 3 kts trolling / viewing / hanging
- Avoid speed changes

No echosounders, except...  
...for safety in fog or  
within 100 feet of shore/shoals

## Pinata 3

Timing – when orcas are present...

Multiple sighting/location inputs

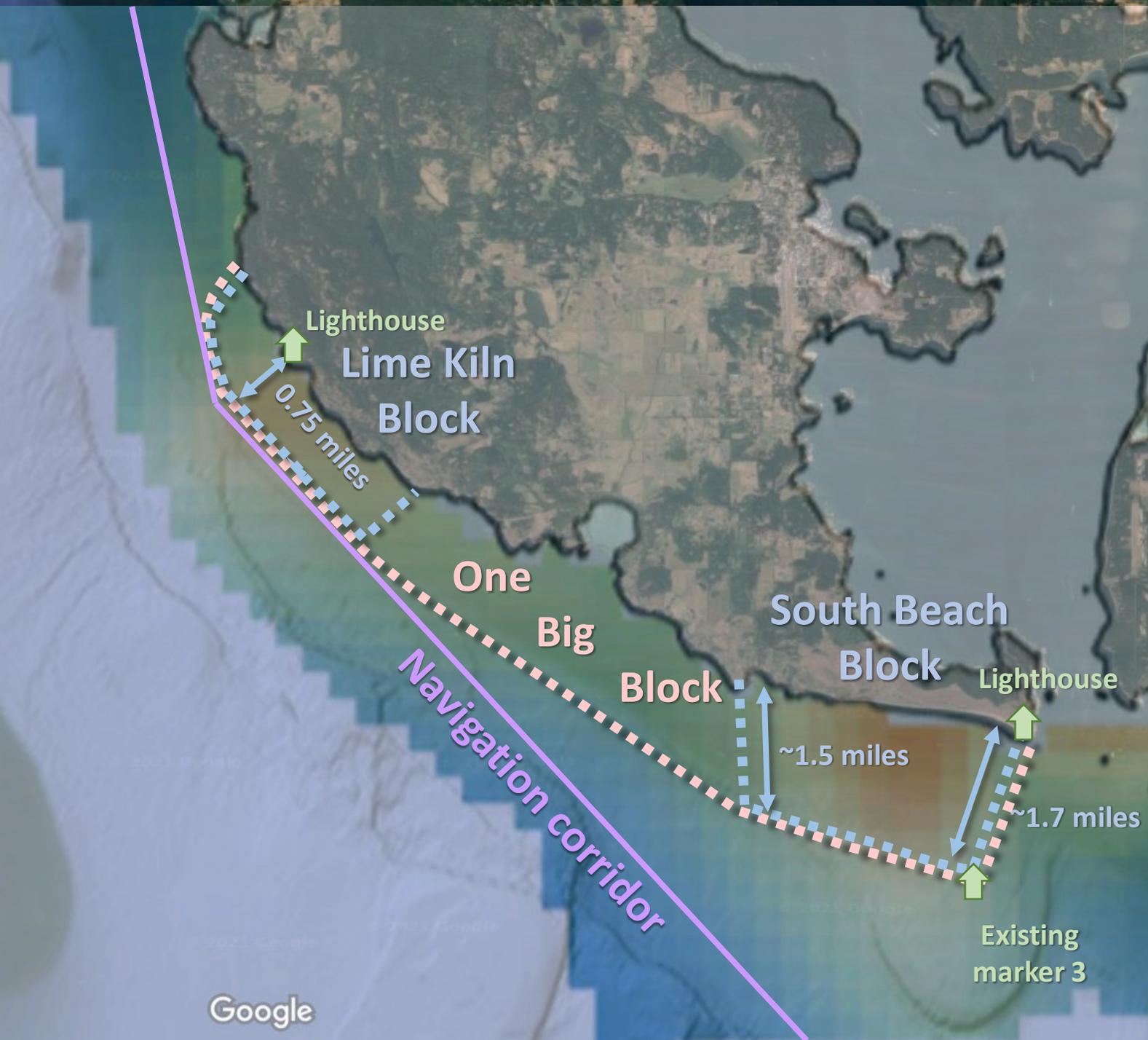
One entity decides:

“orcas are present – zone regs are ON”

“orcas have left – zone regs are OFF”

Multiple ways to communicate:

- Cell phone app with GPS
- VHF channels 9, 16, 67, 72?
- Local am/fm radio?
- Colored light on lighthouses?



## Pinata 4

# Communicating boundaries and regulations

New in-water markers  
On charts and plotters  
Marina notices  
Cruising guides  
Fishing licenses / tags  
Boat shows  
Other?



## Pinata 5

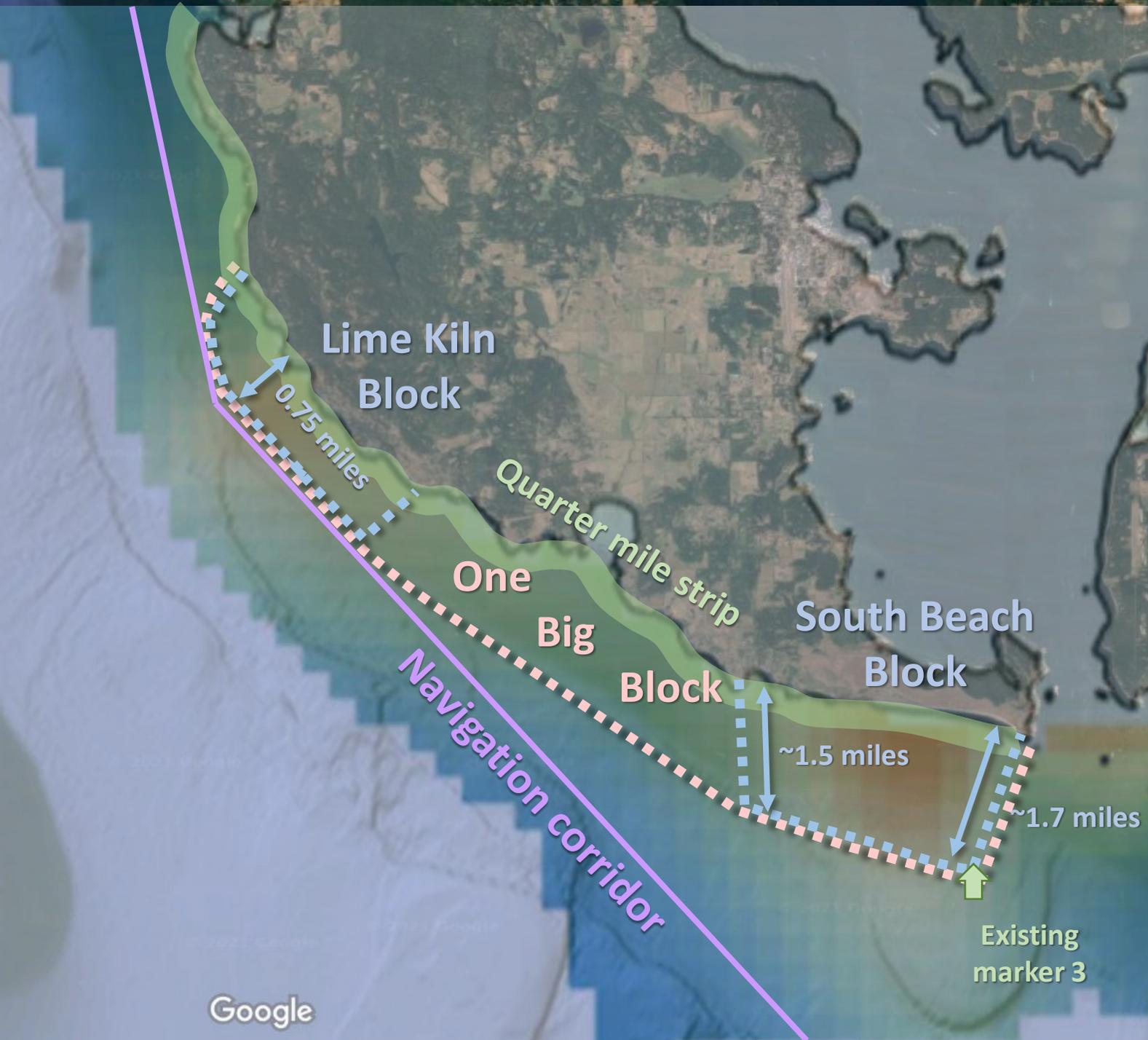
What about the existing no-go zone?

Now:

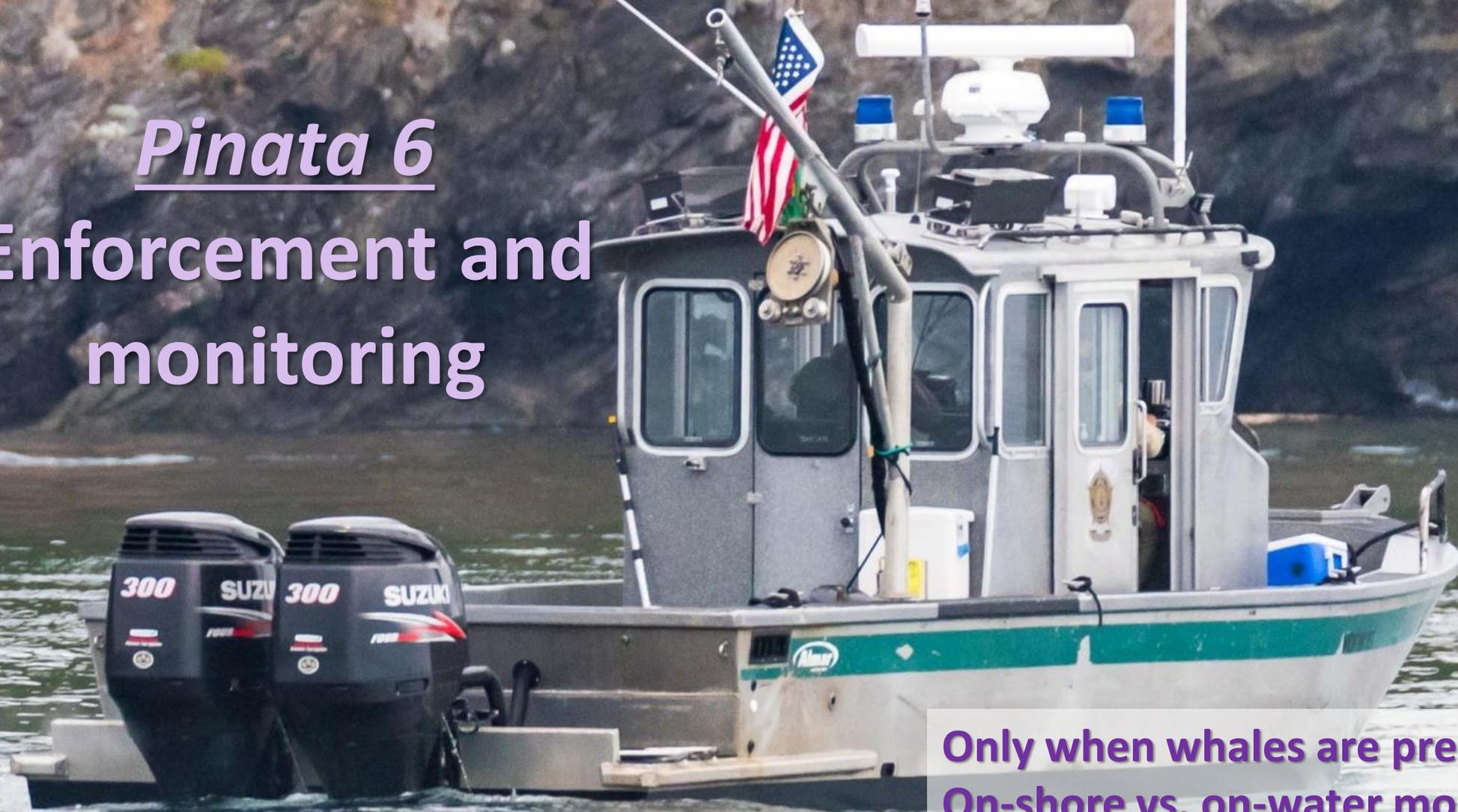
- ¼-mile voluntary strip
- Cattle Point to Mitchell Bay

Options:

- Let sleeping dogs lie
- Replace with new OFZ
- Adjust the strip
  - Make it consistent with OFZ regs
  - Change length (shorten?)
  - Change width (wider?)
  - Other?



*Pinata 6*  
Enforcement and  
monitoring



- Only when whales are present  
On-shore vs. on-water monitoring  
Technology options
- Range finders & speed guns
  - Drones
  - Other?



**Thanks and good night!**