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June 12, 2018

Re: External review of the critical habitat section (section 7) of the draft Species at Risk Act Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada

Dear Chief, Council and Fisheries Program Managers:

This letter is to invite you to provide feedback on section 7 of the *Species at Risk Act* (SARA) draft *Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada*, which provides amendments in order to update and describe identified critical habitat for this species. We welcome your input on section 7 (critical habitat) of this draft document, available on the website noted below, from June 12, 2018 to July 11, 2018.

In 2003, Northern Resident Killer Whales were listed as Threatened and Southern Resident Killer Whales were listed as Endangered under SARA. In accordance with SARA, the Minister of Fisheries and Oceans and the Minister responsible for the Parks Canada Agency developed a *Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada* that was finalized in 2008 and amended in 2011. The Recovery Strategy identified two areas of critical habitat important for the survival and recovery of Resident Killer Whales based on the best available science at the time, one for Northern Resident Killer Whales and one for Southern Resident Killer Whales. Subsequently these areas were legally protected by a SARA section 58 Critical Habitat Order in 2009. In 2017, the *SARA Action Plan for the Northern and Southern Resident Killer Whale (Orcinus orca) in Canada* was finalized, which identified recovery measures to be taken to help achieve the recovery goal and objectives identified in the Recovery Strategy, including identification and protection of additional areas of critical habitat.

The current draft Amended Recovery Strategy updates critical habitat for Resident Killer Whales, based on new science advice. In addition, the draft provides clarification of the functions, features and attributes for all critical habitat identified for Northern and Southern Resident Killer Whales. Aside from the updates to the critical habitat section on which we are seeking feedback, minor updates were made to the background section to reflect new information and formatting of the document was adjusted. No other changes to content in sections other than section 7 were made.

The draft Amended Recovery Strategy identifies two additional important habitat areas as proposed critical habitat for Resident Killer Whales:

- 1) waters on the continental shelf off southwestern Vancouver Island, including Swiftsure and La Pérouse Banks (important for both Northern and Southern Resident Killer Whales); and
- 2) waters of west Dixon Entrance, along the north coast of Graham Island from Langara to Rose Spit (important for Northern Resident Killer Whales).

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You may be aware that Fisheries and Oceans Canada (DFO) recently put in place fishery management measures under the *Fisheries Act* to support recovery of Southern Resident Killer Whales. There is spatial overlap between existing Resident Killer Whale critical habitat and these fishery management measures in key Southern Resident Killer Whale foraging areas. Management actions using tools such as the *Fisheries Act* are the means by which the risk that activities pose to critical habitat may be mitigated. In this case, *Fisheries Act* closures have been used to help mitigate impacts from commercial and recreational fisheries to the features, functions and attributes of critical habitat, which have been protected against destruction by Order under SARA, particularly as they relate to availability of prey and acoustic and physical disturbance. Further information on these fishery closures can be found at <http://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/salmon-saumon/2018-skrw-ers-eng.html>.

The draft *Amended Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada*, along with further information about these populations, critical habitat and supporting documents can be found on DFO's Regional SARA Consultation webpage at <http://www.pac.dfo-mpo.gc.ca/consultation/sara-lep/killerwhales-epaulards/index-eng.html>.

We invite you and your community to submit comments on the critical habitat section (section 7; pages 55 to 68) of the draft Amended Recovery Strategy. Note that this external review period is limited to comments on section 7 of the draft Amended Recovery Strategy. You may provide comment through DFO's Regional SARA Consultation webpage ([link](#) above), or via email, mail or phone.

In order for your input to be considered at this stage in the Recovery Strategy amendment process, comments must be received by July 11, 2018. Following this external review, a proposed document will be posted to the SARA Public Registry for a 60-day public comment period. The Government of Canada will then have 30 days to incorporate comments before posting the final document on the Species at Risk Public Registry.

If you have any questions, if you wish to obtain a hardcopy of this document, or if your community or organization is interested in setting up a meeting with DFO to further discuss this review process, please call 604-666-7907 or e-mail SARA.XPAC@dfo-mpo.gc.ca.

Fisheries and Oceans Canada is committed to the protection and recovery of species at risk in Canada and value our relationship with you. Our continued dialogue on matters of mutual interest, such as the protection of species at risk and critical habitat for these species, will help continue to grow that relationship. We look forward to working together to protect species at risk and the critical habitat of those species.

Sincerely,



Cheryl Webb
Regional Director,
Ecosystems Management Branch
Fisheries and Oceans Canada