



## THE BRITISH COLUMBIA COAST PILOTS LTD.

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April 4, 2017

Lynne Barre  
National Marine Fisheries Service West Coast Region  
7600 Sand Point Way NE.  
Seattle, WA 98115

RE: NOAA-NMFS-2016-0152 - Petition for Rulemaking To Establish a Whale Protection Zone for Southern Resident Killer Whales

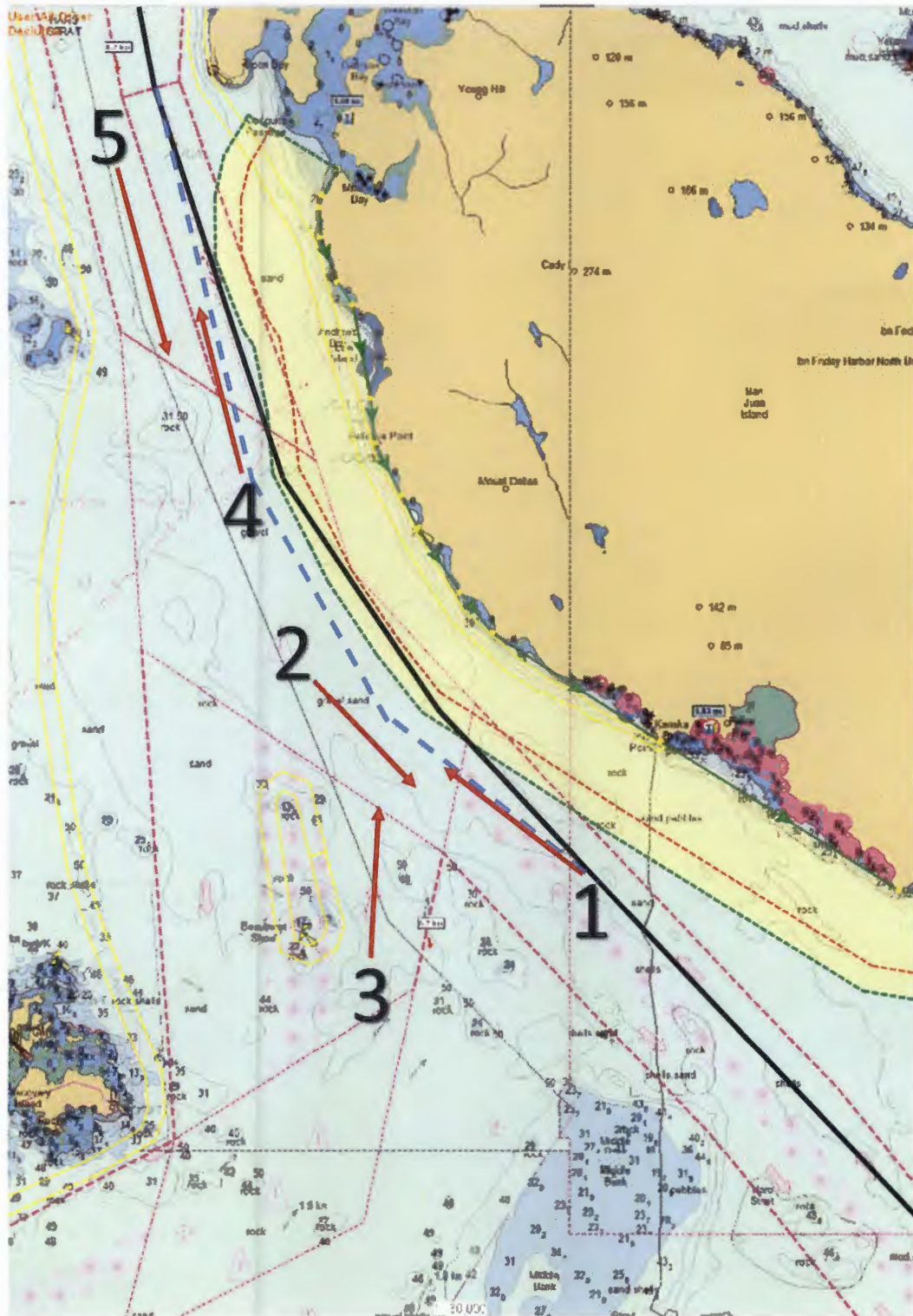
Dear Ms. Barre,

Thank you for the opportunity to respond to *Petition for Rulemaking To Establish a Whale Protection Zone for Southern Resident Killer Whales*, and in particular the geographic scope of the regulations.

The BC Coast Pilots Ltd is a private company consisting of over 100 licensed marine pilots with a contract for services with the Pacific Pilotage Authority, the federal crown corporation responsible to ensure the safe and efficient movement of all foreign flagged vessels over 350GRT in the waters of British Columbia. Our pilots service vessels from the Washington State border up to the Alaska border including all inside passages, port and harbors. Our pilots regularly take vessels from the Brotchie pilot boarding station outside of Victoria, BC through Haro Straits, Boundary Pass and the Strait of Georgia to the Port of Vancouver and other destinations. On the inbound transits, we pilot vessels through American waters as permitted under the Oregon Treaty of 1846. This Treaty continues to benefit both countries with the Puget Sound Pilots piloting vessels in Canadian waters when outbound from Washington State's northern ports using Boundary Pass and Haro Strait.

As such, we are intimately familiar with the waters in question and wish to bring to your attention some concerns regarding the proposed width of the Whale Protection Zone (WPZ) and buffer zone.

The chartlet on the following page shows the International Maritime Organization (IMO) designated traffic separation scheme (purple), the proposed  $\frac{3}{4}$  mile WPZ (red – dashed) and the  $\frac{1}{4}$  mile protection buffer (green – dashed).



As you can see, the proposed buffer zone and a portion of the WPZ overlap the IMO traffic separation scheme from Pile Point almost up to Mitchell Point.

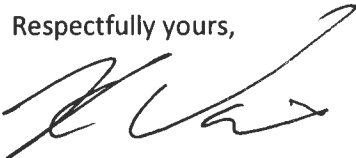
The solid black line indicates the current route of northbound vessels from Puget Sound to Vancouver, BC and transits through the proposed buffer zone from Pile Point to Bellevue Point. Adoption of the WPZ and buffer zone will require northbound vessels to transit west of their normal route to a new route illustrated by the dashed blue line. This deviation will have the following impacts:

1. A northbound vessel (Vessel 1) will be required to deviate from the IMO established traffic separation scheme (TSS) and cross through the traffic separation zone.
2. A northbound vessel (Vessel 1) will come in closer proximity to southbound vessels (Vessel 2) destined for Puget Sound, reducing the closest point of approach (CPA) and reducing the safe operating distance in an area of strong currents.
3. A northbound vessel (Vessel 1) will come in closer proximity to northbound vessels (Vessel 3) inbound from Brotchie, reducing the CPA and safe operating distance. It will complicate the situation further if at the same time there is a southbound vessel (Vessel 2) bound for Puget Sound. This is an area where vessels commonly overtake and we can experience numerous crossing vessels during the summer months.
4. A northbound vessel (Vessel 4) will transit west of its normal route from Bellevue Point to Mitchel Point bringing the vessel in closer proximity to the southbound vessels (Vessel 5), encroaching on the southbound lane and reducing the CPA and safe operating distance. The WPZ and buffer zone further reduce a narrow waterway which already does not have sufficient room to allow for a traffic separation zone.
5. Southbound vessels (Vessel 5) will transit further to the west bringing the vessels in closer proximity to Kelp Reefs and generally reduce the room to maneuver for all vessels involved.
6. The area off Bellevue Point towards Kelp Reefs experiences strong cross currents due to the Gyre that forms during the flood tides. Reducing the navigational room in this area impacts the safe transit of vessels meeting, overtaking and passing in this area.

Although we applaud the intent behind establishing the WPZ, we strongly oppose any encroachment on the IMO designated traffic separation scheme which was developed in the interest of safety through extensive national and international dialogue. The TSS is designed to ensure that shipping can transit this area as safely as possible which ultimately benefits the environment, marine mammals, and all stakeholders.

I would be happy to provide any additional information you may require at your convenience.

Respectfully yours,



Captain Kevin Vail  
President