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"Critical Habitat" for Orcas Leaves Pockets of Vulnerability, Critics Say

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This June a U.S. federal agency proposed that a vast swath of Washington State's Puget Sound region be granted federal protections to ensure the survival of an iconic killer whale population.

But area residents Tom and Margo Wyckoff, retired healthcare workers, were shocked to learn that Hood Canal, a barb-shaped fjord that slices a narrow path into the Olympic Peninsula, was excluded from the ruling.

(Download and print a map of killer whale habitat in the Pacific Northwest.)

"We'd seen the whales—the southern resident killer whales—in the late '50s, '70s, and '80s and once in '95 in Hood Canal," Margo Wyckoff said.

To prove the point, she and her husband are collecting photographs, oral histories, diaries, and U.S. Navy sound recordings of the whales from the region.

So far a group of whales seen in two 1973 photographs taken in the canal have been identified as belonging to J pod, one of the three whale groups that make up the endangered population.

"One of the whales, who was a calf at the time, is still alive and still roaming around with J pod," Margo said.

"And is the mother of three offspring," Tom added.

This week the Wyckoffs, together with about 40 other Hood Canal residents, will present their evidence to the National Oceanic and Atmospheric Administration (NOAA).

Critical Habitat

Killer whales, also known as orcas, are actually the largest form of dolphin (related kids feature: orca fun facts).

The Wyckoffs and other residents hope to secure protection for the animals' historic Hood Canal habitat.

"They need as much of their original habitat that's healthy as is possible, and Hood Canal meets that criteria," Tom said.

The orcas spend the majority of their time in the Pacific Ocean, but the southern resident population is frequently in the Puget Sound region, especially during the summer.

About 150,000 people each year board commercial whale-watching ships to see orcas leaping from the water against a backdrop of emerald isles and snowcapped peaks.

The black-and-white mammals live as long as people do: One, named Granny, is believed to be in her 90s.

Males, which are generally larger than females, reach almost 30 feet (9 meters) long as adults and weigh more than 15,000 pounds (6,800 kilograms).

As of July 2006 there were 89 members of the southern resident killer whale population, down from at least 200 in the 1800s.

The population, which scientists say is distinct from other killer whale groups, numbered up to 97 in the 1990s. It declined to 79 in 2001.

Last year NOAA announced it would list the population as endangered.

Conservationists heralded the decision as a strong move to save a Pacific Northwest icon.

But development and agricultural groups immediately filed a lawsuit against the listing.

The suit alleges that the listing is illegal, because the southern resident killer whale population fails to meet criteria as a species, subspecies, or distinct population segment of a species, as defined by the U.S. Endangered Species Act.

"Further, the listing is quite simply unnecessary," said Russell Brooks, managing attorney with the Pacific Legal Foundation in Seattle, which represents the development and farm groups.

The population grew by 12 between 2001 and 2005, a sign that it is "thriving," Brooks said. Historically, he adds, the population was seldom much bigger than it is now.

Nevertheless, this June NOAA announced a proposal to designate more than 2,500 square miles (6,475 square kilometers) of the Puget Sound and the Strait of Juan de Fuca as critical habitat for the species.

Once formally designated, perhaps in November, federal agencies will be required to consult with NOAA's National Marine Fisheries Service to ensure their actions will not harm the whale habitat.

More Protection?

Kathy Fletcher is the executive director of People for Puget Sound, an advocacy organization. She is pleased that NOAA is moving forward with the critical habitat designation.

"However, there are some really significant exclusions from the proposal that need to be dealt with," she said.

In addition to Hood Canal, the proposal leaves unprotected all near-shore waters shallower than 20 feet (6 meters) and 18 military sites in the region covering nearly 112 square miles (290 square kilometers).

The shallow near-shore waters, Fletcher says, are essential for salmon, the southern resident orca's primary food.

David Bain, an orca expert formerly with the University of Washington in Seattle, identified J pod in the 1973 photographs.

This July, Bain left the university to serve as research director for the nonprofit Global Research and Rescue in Seattle.

He says the whales in his study area actually went into shallower waters about 20 percent of the time.

The military sites are excluded for national security reasons, which the conservationists say they understand, but they are concerned about a large military zone in the Strait of Juan de Fuca.

"It's a hugely important part of the whales' habitat," Fletcher said. "It's how they get in and out of Puget Sound proper."

Brooks, the Pacific Legal Foundation attorney, argues that the proposed critical habitat is already enormous.

Normally, endangered-species habitat covers a few thousand acres, he said. The killer whale habitat is measured in thousands of square miles.

"It's a huge area, and it's a heavily populated area you're talking about," he said. "It's going to have a tremendous impact [on the economy]."

For example, the critical habitat may prevent the city of Bellingham from upgrading and modernizing its harbor, he says. Shoreline homebuilders also could face a lengthy and expensive permitting process.

Bain, the killer whale expert, counters that since whale populations grow slowly, the economy will have ample time to adjust to any new restrictions that result from the critical habitat designation.

"We don't have to do everything at once," he said. "We can phase things in."

Besides, he adds, a recovering whale population could actually boost the economy.

For one, the whale-watching industry will grow. And better whale habitat also means better salmon habitat, which is great for the fishing industry.

Hood Canal

Back on Hood Canal, the Wyckoffs were presented with a U.S. Navy acoustic recording that scientifically confirms the presence of southern resident orcas there in 1995.

Each pod makes unique sounds, and the recording is of J pod.

Many observers believe the decline in Chinook salmon in the early 1970s and decline of chum salmon in the late 1970s may have reduced the presence of the whales in the canal.

Now that the summer chum population is increasing in the area, the Wyckoffs are hopeful that the whales will too.

"We are on the cusp of providing the right kind of habitat these whales remember," Margo said. "And they'll come back."