



Endangered Species Act Alert 2006-3

RE: Proposed designation of Critical Habitat for Puget Sound Killer Whales

DATE: June 14, 2006

The National Marine Fisheries Service (NMFS) is proposing to list over 2,500 square miles of water around the San Juan Islands, the Strait of Juan de Fuca and Puget Sound as critical habitat for killer whales. The Southern Resident killer whale population was listed as endangered under the federal Endangered Species Act (ESA) in December of 2005 (see ESA Alert 2005-2). The ESA requires critical habitat be designated within one year of a species' listing.

Section 7 of the ESA requires all federal agencies to ensure that their actions will not "jeopardize the continued existence of a listed species, or destroy or adversely modify its designated critical habitat." As such the proposed designation will only impact those actions that are approved or funded by a federal agency; this includes projects that require any federal permit.

Critical habitat designations must include all areas occupied by the species that include the "physical and biological features that are essential to the conservation" of the species. Areas can be excluded from designation if the benefits of exclusion outweigh the benefits of designation taking into account economic impacts, national security and other relevant factors. The proposed designation excludes 18 military sites throughout the region on the basis of the impact the designation would have on military readiness. The proposal also does not include areas with less than 20 feet of water depth due to a presumed lack of use.

NMFS identified three physical and biological features that it used to define the habitat designated: "1) Water quality to support growth and development; 2) Prey species of sufficient quantity, quality and availability to support individual growth, reproduction and development, as well as overall population; and 3) Passage conditions to allow for migration, resting and foraging." Human activities that impact any of these habitat conditions could be found to "adversely modify" the critical habitat.

NMFS is currently soliciting public comment on the proposed designation and seeking additional information on habitat usage and distribution. Comments will be accepted until August 14, 2006. Some recent critical habitat designations for other species were changed significantly from the initial proposal due to comments on economic impacts, habitat usage and other factors. A draft recovery plan for the species is expected later in the year

Additional Resources:

Proposal language and map: <http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Killer-Whales/ESA-Status/Proposed-Orca-Critical-Habitat.cfm>

Federal Register:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-5439.htm>

Need More Information?

If you have questions or comments about this ESA Alert, please contact Jesse Halsted, ESA Policy Analyst (jhalsted@parametrix.com), or John Marsh, Director of ESA Program (jmarsh@parametrix.com).

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