

Luna Stewardship Plan

1.0 Introduction

This document constitutes a Joint Stewardship Plan agreement between the Fisheries and Oceans Canada (DFO) and the Mowachaht/Muchalaht. This Stewardship Plan reflects the interests of the Mowachaht/Muchalaht and DFO to collaborate on issues regarding Luna (Tsux'it).

The goal of the Luna Stewardship Plan is to provide a safe environment for Luna while the killer whale resides in the Muchalaht Inlet/Nootka Sound area and public safety for boaters and others in the area.

For the purposes of the Joint Stewardship Plan, neither party shall hold itself out as acting as an agent of the other party. Nothing in this agreement, nor any acts of the Mowachaht/Muchalaht or of DFO shall constitute or be deemed to constitute the DFO acting as an agent of Mowachaht/Muchalaht, or Mowachaht/Muchalaht acting as an agent of DFO.

2.0 Objectives

The objectives of the Luna Stewardship Plan are to:

- ① provide public information, education and awareness designed to:
 - a. reduce public interaction with Luna
 - b. protect Luna and the public through safe boating practices
- ② encourage voluntary compliance with Luna Boating Guidelines
- ③ enforce, as necessary, Marine Mammal Regulations
- ④ monitor the activities of Luna, and interactions between the public and Luna

3.0 Activities

The objectives of the Stewardship Plan will be achieved by the Mowachaht/Muchalaht and DFO carrying out specific tasks under the following activities:

1. Public Information, Education, and Awareness
2. Marine Patrols
3. Enforcement
4. Emergency Response
5. Technical Measures for Public and Whale Protection
6. Coordination and Reporting
7. Monitoring Luna

In carrying out these activities, DFO and Mowachaht/Muchalaht staff shall adhere to the Luna Boating Guidelines.

Both DFO and Mowachaht/Muchalaht understand that an emergency response related to human safety may require a unilateral action by either party. In the event an

emergency response is warranted, both DFO and Mowachaht/Muchalaht will endeavour to contact the other party to advise or inform of necessary actions.

4.0 Activity Tasks

4.1 Mowachaht/Muchalaht

1. Public Information, Education and Awareness
 - a. welcome and verbal presentation of Luna information
 - b. distribute Luna Boating Guidelines and Information hand-out
2. Marine Patrols
 - a. Opportunistically provide information to vessels operators how to operate safely in the area
 - b. distribute Luna Boating Guidelines and Information hand-out to vessels, lodges, marinas
 - c. Observe, Record and Report violations of Boating Guidelines and/or Marine Mammal Protection regulations
3. Enforcement Support
 - a. record and report information to DFO C&P staff for alleged violations of Marine Mammal regulations
 - b. participate in basic Observe, Record, Report training offered by DFO C&P staff
4. Emergency response/rescue
 - a. respond to marine emergencies as appropriate and within the capacity of the Mowachaht/Muchalaht staff and vessel to do so safely
5. Technical Measures for Public and Whale Protection
 - a. participate with DFO in tests to evaluate the use of the Acoustic Deterrent Device (ADD) to keep Luna away from the public dock and the float plane areas, if necessary. If it is determined that an ADD would be assist in meeting the objectives, develop an ADD use protocol with DFO.
6. Monitoring Luna
 - a. monitor Luna's location, interactions, behaviour, travel
7. Coordination and Reporting
 - a. inform DFO of stewardship activities on a weekly basis
 - b. record and inform DFO of observed public interactions with Luna
 - c. record and inform DFO of the results of the Luna monitoring activities

4.2 DFO

1. Public Information, Education and Awareness
 - a. DFO Luna Killer Whale Hazard sign at Gold River Wharf to be removed and a new sign installed.
 - b. prepare and post DFO Public Notices at key locations
 - c. prepare and broadcast a notice to mariners warning of the potential for risk to both people and equipment on the Coast Guard Radio Weather Channel

- d. distribute Luna Boating Guidelines and information to boaters in the course of regular marine patrols or during directed marine patrols as necessary
2. Marine Patrols
 - a. DFO Conservation and Protection (C&P) staff will monitor interactions between Luna and boats during the course of other duties
3. Enforcement
 - a. when inappropriate interactions between the public and Luna are observed, DFO C&P staff will collect evidence and take appropriate action
 - b. On a case by case basis, DFO C&P staff will follow up on direct observation and/or reports from Mowachaht/Muchalaht or the public where an incident was deemed constitute a disturbance under S.7 and the evidence and circumstances warrant investigation
 - c. DFO C&P staff will provide an opportunity for Mowachaht/Muchalaht staff to receive some basic training on Observe, Record and Report techniques, for the purpose of gathering and providing the best evidence to DFO
4. Emergency Response/Rescue:
 - a. respond to marine emergencies as appropriate and within the capacity of the DFO staff and vessel to do so safely
5. Technical Measures for Public and Whale Protection:
 - a. design and conduct tests to evaluate the use of the Acoustic Deterrent Device (ADD) to keep Luna away from the public dock and the float plane areas, if necessary. If it is determined that an ADD would be assist in meeting the objectives, develop an ADD use protocol with Mowachaht/Muchalaht.
6. Monitoring Luna
 - a. compile reports and observations of Luna's activities and/or incidents received directly, via Mowachaht/ Muchalaht, or public reports
7. Coordination and Reporting
 - a. inform Mowachaht/Muchalaht of Luna monitoring activities on a weekly basis
 - b. Inform Mowachaht/Muchalaht of public interactions with Luna
 - c. Inform Mowachaht/Muchalaht of alleged violations of Boating Guidelines and Marine Mammal regulations

5.0 Funding

DFO will contribute \$10K to the Mowachaht/Muchalaht First Nation and Fisheries and Oceans Canada joint Stewardship Program through the Nuu-chah-nulth Tribal Council Aboriginal Fisheries Agreement.

6.0 Effective date and duration

The Joint Luna Stewardship Plan is in effect when it is signed by representatives of both parties and will remain in effect until October 31, 2004. This agreement may be extended by mutual consent of both parties. Either party may approach the other in writing to extend the agreement.

8.0 Termination

The Joint Luna Stewardship Plan may be terminated by either Mowachaht/Muchalaht or DFO by notifying the other party in writing.

9.0 Signatures

Mike Maquinna
Tyea Ha'with,
Mowachaht/Muchalaht First Nation

Paul Macgillivray
A/Regional Director General, Pacific
Fisheries and Oceans Canada