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*Elizabeth May*

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*Circonscription*

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The Right Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

October 2, 2020

**Re: US Navy Tests in Shared Waters**

Dear Prime Minister Trudeau,

I am writing today regarding the US Navy plans to test explosives and navy sonar technology in our shared waters. This testing and training proposal includes testing the navy's rail gun system and piloting mine-detecting underwater drones. The naval force has recently applied to the U.S. National Oceanic and Atmospheric Administration (NOAA) for an exemption under the Marine Mammal Protection Act (MMPA) for the "incidental take" of marine mammals.

The current MMPA authorization for the Northwest Training and Testing (NWTT) Incidental Take Authorization, which includes a vast region stretching from California to Alaska, expires soon. The naval force has requested authorization to start a seven year program beginning in November 2020. The application received by NOAA is still in review. In their preliminary findings announced in June 2020, the administration determined that the Navy's proposed testing posed a "negligible impact" to marine wildlife.

Conservation groups, marine biologists and experts in the field strongly disagree with this assessment. Marine researchers in both Washington and British Columbia agree that if these training and testing activities are carried out in the Pacific Northwest, they will cause significant harm to mammals and marine life on both sides of the border. In particular, the naval tests would cause serious harm to the endangered Southern Resident Killer Whale (SRKW) population.



The US Navy's application and NOAA's proposed rule would allow for 51 instances of level B harassment affecting SRKWs every year for the next seven years. Level B harassment includes inducing temporary hearing loss and disrupting feeding, breeding, nursing, and migration patterns to a point where behaviors are abandoned or significantly altered. The previous authorization, in contrast, allowed for 2 level B disturbances per year. This is a vastly increased amount of disturbances. It is well known that SRKWs are a critically endangered species; their population has now dropped to only 72 whales. If the US Navy program receives approval, the SRKW population will suffer greatly.

In addition to the harm caused to the SRKW population, the program is estimated to cause harm to an additional 1.7 million marine animals. This includes Level A harassment to mammals such as seals, sea lions, porpoises and sperm whales. Level A harassment ranges from permanent injury, up to and including death.

The proposed navy testing program has already received criticism from the Washington State Government. Several Washington State Officials have already released letters of opposition to these tests. The Office of the Governor released a [letter of opposition](#) in July 2020. Governor Jay Inslee's personal letter stated that the US Navy needs a more "robust avoidance and mitigation strategy" for the proposed testing program, in order to protect marine mammals and to reduce the number of "incidental takes".

In a similar fashion, Attorney General, Bob Ferguson, issued a personal [letter of opposition](#) in which he "strongly urges NOAA to revise its proposed authorization to better protect Washington's marine mammals, including SRKWs, in accordance with the Marine Mammal Protection Act (MMPA)". Washington State Agency directors, including the Washington Department of Fish and Wildlife, the State Office of Recreation and Conservation and the Washington Department of Natural Resources, sent a joint [letter of opposition](#) to NOAA in July 2020.

Canada's response has been weak. Fisheries and Oceans Canada (DFO) has declined to take a position on the tests, with a spokesperson disclosing to the media that DFO and U.S. management agency partners share the goal of southern resident killer whale recovery and are working closely to support this endangered species. However, no further details have been given on what the federal government plans to do to protect the southern resident killer whales in this context.

Canada must take a strong position on this issue. I urge you to write a formal letter of protest against these tests. Canada must put pressure on NOAA to decline authorization for the US Navy to move forward with this program. Canada must demonstrate its commitment to the protection of marine ecosystems and wildlife in the Pacific Northwest. The time to act is now.

Thank you for your time and consideration. Please do not hesitate to reach out should you have any questions or if you would like to discuss this matter in more detail.



Sincerely,

A handwritten signature in black ink that reads "Elizabeth May". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Elizabeth May, O.C.  
Member of Parliament  
Saanich-Gulf Islands  
Parliamentary Leader of the Green Party of Canada

CC: Hon. François-Philippe Champagne, Minister of Foreign Affairs  
Hon. Jonathan Wilkinson, Minister of Environment and Climate Change  
Hon. Bernadette Jordan, Minister of Fisheries, Oceans and the Canadian Coast Guard  
Hon. Harjit Sajjan, Minister of National Defense

