

# Southern Resident Killer Whale Task Force Meeting #10: Summary

September 9, 2019 in Port Angeles

*Action items are highlighted in red font throughout.*

## ATTENDING

### Task Force members:

SRKW Task Force Co-chairs	Les Purce, Stephanie Solien
City of Shoreline	Mayor Will Hall
Commercial fisherman	Brendan Flynn
Global Affairs Canada	Bryce Campbell
Long Live the Kings	Jacques White
Lummi Nation	G.I. James
Makah Tribe	Chad Bowechop
National Oceanic and Atmospheric Administration	Lynne Barre
Northwest Indian Fisheries Commission	Cecilia Gobin
Northwest Marine Trade Association	George Harris
Pacific Whale Watch Association	Jeff Friedman
Port Gamble S'Klallam Tribe	Paul McCollum
Port of Edmonds	Commissioner Steve Johnston
Puget Sound Anglers	Ron Garner
Puget Sound Partnership	Laura Blackmore
San Juan County	Commissioner Jamie Stephens
Skokomish Tribe	Dave Herrera
Squaxin Island Tribe	Jeff Dickison
Suquamish Tribe	Chairman Leonard Forsman
The SeaDoc Society	Joe Gaydos
The Whale Trail	Donna Sandstrom
Tulalip Tribes	Terry Williams
WA House of Representatives (D), District 40	Rep. Debra Lekanoff (D)
WA Senate (D), District 24, Sequim	Senator Kevin Van De Wege
Washington Environmental Council	Mindy Roberts
Washington State Conservation Commission	Alison Halpern
Washington State Department of Agriculture	Dr. Brian Joseph
Washington State Department of Ecology	Maia Bellon
Washington State Department of Fish and Wildlife	Amy Windrope
Washington State Department of Natural Resources	Kristin Swenddal
Washington State Department of Transportation	Kevin Bartoy
Washington State Fish and Wildlife Commission	Brad Smith

Washington State Forest Protection Association	Mark Doumit
Washington State Parks	Lisa Lantz
Washington State Recreation and Conservation Office	Kaleen Cottingham

### Staff, Steering Committee, and Consulting team:

- Working Group Chairs:
  - Derek Day (Contaminants) – WA State Department of Ecology
  - Erik Neatherlin (Prey) – Gov. Salmon Recovery Office
  - Penny Becker (Prey) – WA State Department of Fish & Wildlife
  - Todd Hass (Vessels) – Puget Sound Partnership
- Steering Committee Members:
  - Heather Bartlett – WA State Department of Ecology
  - Jim Cahill – Office of Financial Management
  - Leslie Connelly – Office of Financial Management
  - Tom Laurie – WA State Department of Ecology
- Consulting Team:
  - Susan Gulick (Facilitator) – Sound Resolutions
  - Gretchen Muller (Project Manager) – Cascadia Consulting Group
  - Marc Daudon – The Caspian Group
  - Angela Pietschmann – Cascadia Consulting Group

## OPENING AND INTRODUCTIONS

Following the Tribal welcome and blessing by Lower Elwha K’lallam Tribal Elder Frances Charles, the co-chairs gave introductory remarks:

Co-chair Stephanie Solien thanked the Port Angeles Parks & Recreation Department for donating the Task Force meeting venue space at the Vern Burton Community Center. She thanked everyone on the Task Force for their focus and engagement and reminded everyone that the Task Force recommendations are only the beginning of the urgent journey to recovery the Southern Resident orcas. She urged everyone to continue to stay involved in this work beyond the Task Force’s sunset at the end of 2019.

Co-chair Les Purce thanked the Task Force for everyone’s work together over the past year and a half. It’s important to consider climate change and population growth as we consider which recommendations we will put forward in the Year 2 report to the Governor. Les encouraged everyone to think about how to continue this momentum when the Task Force discusses continuing orca recovery efforts beyond 2019.

After Task Force members introduced themselves, Susan Gulick (facilitator) reviewed the meeting agenda. Meeting materials are available on the Governor’s [website](#).

Dave Herrera (Skokomish Tribe) requested that Tribes be able to provide input on shaping the final SRKW Task Force agenda to ensure that tribal concerns are teed up for discussion. Les

agreed that it would be helpful for the Steering Committee to engage with the tribes in organizing the upcoming meeting.

## UPDATES

### Orca Health

Lynne Barre (NOAA) provided an update on the health of the orcas ([slides](#) 3-8).

The Center for Whale Research made an announcement in early August that three additional members of the population were missing and presumed dead: J17, K25, L84 (two adult males and one adult female). Combined with the new calves (L124 and J56) born in 2019, the current population is now 73 Southern Resident orcas.

The Center for Whale Research [website](#) provides information on its encounters with Southern Residents in July and August. Department of Fisheries and Oceans (DFO) in Canada was in the field in mid-June through August and had multiple encounters with all three pods.

Research in September includes sampling of (1) prey that the whales are eating, (2) feces, (3) breath, (4) and drone photogrammetry to collect aerial photographs. NOAA and DFO are also using digital acoustic tags (suction cup tags on the whales) to study their night behavior. Researchers are coordinating with each other and NOAA to minimize their impacts on the whales.

Lynne presented co-chairs Stephanie Solien and Les Purce with NOAA's Species in the Spotlight Partner award for exceptional efforts related to the conservation and recovery of NOAA Fisheries Species in the Spotlight. This award was also presented to Governor Jay Inslee and the WA State Orca Task Force.

### Population Growth: Subgroup Update

Gretchen Muller (Project Manager) informed the Task Force that the Population Growth Subgroup will meet on September 11 to develop informed recommendations for Task Force consideration at the October 7<sup>th</sup> meeting. Guest panelists from the William D. Ruckelshaus Center, WA State Department of Commerce, WA State Department of Fish & Wildlife, and Puget Sound Regional Council will participate in this discussion.

### Nutrients

Heather Bartlett (WA Department of Ecology) walked through the nutrient reduction recommendations developed by Ecology's Puget Sound Nutrient Source Reduction Project:

1. Develop a NPDES permit framework for wastewater treatment in Puget Sound.
2. Better align existing nonpoint programs with nutrient reduction activities and explore new ways to achieve the necessary nonpoint source nutrient reductions.
3. Collect high-quality nutrient data in watersheds to fill key knowledge gaps of baseline conditions.

Refer to pages 3-5 of the [meeting packet](#) for details.

Terry Williams (Tulalip Tribe) asked for more information on (1) whether Fraser River flows are included in the sources of nutrients, (2) technological advancements in nutrient management, and (3) timeframe for Ecology's work.

- Heather explained there is technology available today that Ecology would like to pursue as the norm in Puget Sound through the NPDES program.

Mindy Roberts (Washington Environmental Council) strongly supports Ecology's nutrients recommendations and recommends framing as value statements (decreasing nutrients).

Mark Doumit (Washington State Forest Protection Association) asked to see detail on future capital budget investments to update facilities to meet population growth.

- Heather will share estimated figures.

### **Lower Snake River Dam Stakeholder Process**

Jim Cahill (Office of Financial Management) provided an update on the Lower Snake River Dam Stakeholder Process that originated from Task Force Recommendation 9. Refer to pages 6-8 of the [meeting packet](#) for details. Contact JT Austin ([jt.austin@gov.wa.gov](mailto:jt.austin@gov.wa.gov)) or Jim Kramer ([jim@jkramer.co](mailto:jim@jkramer.co)) with questions.

Commissioner Jamie Stephens (San Juan County) asked if the Task Force will receive answers to specific questions if sent to JT or Jim (e.g., around trade-offs of proposed options)?

- Jim encouraged submitting questions but could not confirm whether they would receive a response; depends on the question.

In response to, "Pre-identified focus groups representing different interests will provide perspectives in the workshops to assist the public in considering and preparing their written input on the draft report," Mindy Roberts (Washington Environmental Council) asked who identified the pre-identified focus groups and how do we make sure the process is fair and transparent?

- Jim responded that the draft report will include information on the groups interviewed. The public will be able to submit written input on the draft to ensure it reflects their perspectives.

### **Government-to-Government Tribal Engagement**

Chad Bowe chop (Makah Tribe) emphasized that the Makah Tribe cannot weigh in on Task Force recommendations and provide input to the Tribal Council as a policy advisor until a clear government-to-government framework is developed for how the tribes interact with the Task Force. Participating as a stakeholder is not equal to participating as a sovereign nation. The Makah tribe is invested in orca recovery but takes exception to the process. The government-to-government process must run in parallel with the Task Force process.

Co-chair Les Purce asked whether the Task Force should include a recommendation to the Governor that a necessary step before finalizing and accepting the recommendations package is required government-to-government consultation with the tribes.

- Chad responded that he will defer to Chairman Forsman and Terry Williams but agreed that would be a potential option for beginning to address this issue.
- **Co-chairs Les Purce and Stephanie Solien will work to discuss strengthening the government-to-government process with the Governor's office before the next meeting.**

Terry Williams (Tulalip Tribe) emphasized "prior informed consent" as an essential component of this process and government-to-government communication.

G.I. James (Lummi Nation) expressed concern that the current situation is reminiscent of the time before the Boldt decision, meaning that the state and its citizens are unwilling or unable to deal with the issues that face them (climate change, dams, population growth). He is concerned that the tribes and the orcas will again 'pay the price' as salmon continue to be threatened. He emphasized that tribal treaty fishing rights in all usual and accustomed grounds must be prioritized. **G.I. requested the creation of a crisis team made up of state, federal, and tribal governments to deal with these foundational issues. This could be a potential recommendation from the Task Force.**

Jeff Dickison (Squaxin Island Tribe) endorsed the comments made by Chad, Terry, and G.I.

Co-chair Stephanie Solien thanked G.I., Terry, and Chad for their input and reminder around the urgency of this work. **The co-chairs and OFM will convey this input to the Governor's Office, emphasizing what is at stake for the tribes.** She further noted that the tribes are partners and very strong allies in orca recovery and have deep respect from the SRKW Task Force.

## CLIMATE CHANGE RECOMMENDATIONS

Marc Daudon (consulting team) walked through the draft recommendations to address impacts of climate change and ocean acidification on Southern Resident orcas ([slides](#) 13-16):

- Take aggressive, comprehensive, and sustained action to **reduce human-caused greenhouse gas emissions**, with the goal of achieving net zero emissions by 2050.
- Increase Washington's ability to understand, **reduce, remediate, and adapt to the consequences of ocean acidification.**
- Mitigate the impact of a changing climate by accelerating and increasing action to **increase the resiliency and vitality of salmon populations** and the ecosystems on which they depend.
- Provide leadership to **reduce emissions and noise from vessels.**
- Identify and mitigate increased threats to southern residents from contaminants** due to climate change and ocean acidification. Prioritize actions that proactively reduce exposure where the increased impacts are expected to be most severe.

Refer to pages 9-21 of the [meeting packet](#) for details.

Mark Doumit (Washington State Forest Protection Association) asked if the reference to vessel fuel switchover includes large ships switching from bunker fuel or diesel to natural gas?

- Marc clarified that the recommendations are intentionally high-level and don't endorse any specific path forward.
- Todd Hass (Vessels Working Group Chair) added that the Vessels Working Group discussed this issue but was more fundamentally interested in addressing the tradeoff between propellers that promote better fuel efficiency but potentially increase underwater noise.

Terry Williams (Tulalip Tribe) suggested leveraging the Pacific Salmon Commission's work to connect their climate maps with Canada's Department of Fisheries and Oceans, as well as climate projections from the University of Washington's Climate Impacts Group.

Chairman Leonard Forsman (Suquamish Tribe) asked why carbon fees or pricing were not included in the climate recommendations.

- Marc clarified that the recommendations are intentionally high-level and don't endorse any specific path forward. He recommended discussing specific options/actions further in the fishbowl.

## **FISHBOWL: CLIMATE CHANGE RECOMMENDATIONS**

Susan Gulick (facilitator) opened the floor to discuss the following questions:

- 1.) Do you support the draft recommendations?
- 2.) What revisions would you suggest and should be discussed at today's Task Force meeting?
- 3.) Do you have other high-level suggestions about the draft report?

Mayor Will Hall (City of Shoreline):

- Include examples of the aggressive, comprehensive, and sustained actions available for consideration in Recommendation A without endorsing specific actions. For example—consider including carbon pricing or a carbon tax in Table 1. Chairman Leonard Forsman (Suquamish Tribe) supports this suggestion.
- Use emissions inventory diagram (Figure 4) to identify additional specific actions. For example, use the state's building codes to prohibit (with very few exceptions) any new construction that relies on carbon-intensive fuels.

Terry Williams (Tulalip Tribes):

- Include projected impacts of glacial melt (e.g., flooding, erosion, saltwater intrusion) on streamflow and freshwater aquifers in climate chapter section on habitat.
- Include a recommendation for federal, state, and local governments to utilize the best available climate data and incorporate it into future assessments.

Maia Bellon (WA Department of Ecology): emphasize the connection between nutrients and climate change (i.e., addressing nutrients improves climate resiliency and mitigation efforts in Puget Sound).

Liza Lantz (WA State Parks): consider ways to reorder the climate recommendations in this chapter to emphasize and prioritize the resiliency and mitigation efforts most likely to benefit orcas now.

Chairman Leonard Forsman (Suquamish Tribe): make the connection between regulation and the health of the Salish Sea. Educate industry on the purpose and outcomes of regulations to protect orcas/mitigate climate change (e.g., carbon pricing).

Mindy Roberts (Washington Environmental Council):

- Add urgency to text, specifically:
  - Text around the 2015 drought/blob should capture the magnitude of impact to the marine and freshwater ecosystems. For example: the collapse of the marine food web (e.g., emaciated marine mammals, starving whales, massive die-offs of marine birds), and as streams dried up on the Olympic Peninsula, bucket brigades carried fish.
  - Recognize ocean acidification impacts to shellfish. Shellfish rely on the same food web systems as orcas (i.e., the crash of zooplankton = crash of everything in the food web) and are important to rural economies.
  - Explain how wastewater treatment plant discharges in the Puget Sound region increase ocean acidification.
- Include specific actions in Recommendation A (stopping short of endorsing specific policies) to prioritize investment in reducing greenhouse gas emissions from transportation sector (47% of total emissions) to address the biggest slice of pie first (Figure 4). Include language around just transitions.
- Include "to benefit Southern Resident orcas" in the Recommendation D language.
  - Modify the second sub-bullet to "expand the scope of WA Maritime Blue to implement relevant recommendations from the Orca Task Force" (instead of just supporting the annual operating budget).
  - End the Implementation Details section with, "*this Task Force also recommends that WA Maritime Blue identifies and addresses shipping and other maritime impacts on orca prey, vessel noise and disturbance, and contaminants in coordination with the Task Force (or life after the Task Force structures).*"
  - Donna Sandstrom (The Whale Trail) supports this suggestion.

Jeff Dickison (Squaxin Island Tribe): include information on the impacts of sea level rise on forage fish and their role within the orca food web. Beaches migrate and go landward to accommodate higher sea levels; surf smelt and sand lance depend on the very high beach area for spawning. Bulkheads will be an increasing problem with sea level rise.

Kevin Bartoy (WA State Ferries): include language around state-government-controlled pieces of the pie (Figure 4). For example, [Executive Order 18-01](#) directed WA State Ferries to move to a zero-emissions fleet. WSF has an electrification program in place to accomplish this goal by 2040—2050. Use the climate chapter to support implementation of this plan.

Commissioner Jamie Stephens (San Juan County):

- Include actions the state could take in Table 1. Include language around (1) reducing emissions from ferries, (2) other large fleets managed through WA State Department of Transportation, and (3) other large fleets (e.g., buses, school buses). If we can get leadership in those large categories, there will be less impediment for others.
- Include a “climate triage” in Recommendation C to determine which watersheds are modestly resilient and the most likely to support wild stocks of salmon going forward.

Paul McCollum (Port Gamble S’Klallam Tribe): specifically call out sources and impacts of methane emissions in the climate chapter.

Jacques White (Long Live the Kings):

- Recommendations C, D, and E are the areas (1) most pressing, (2) most related to the orca recovery effort, and (3) where the state can make the most progress. Include specific actions we can take in the next one to two years that would advance these recommendations. Link Recommendations C, D, and E to their respective Recommendations in the Prey, Vessels, and Contaminants section of the report. Consider doing the same with the NWIFC recommendations.
- Include information on who has responsibility/authority over the various actions proposed in the climate change chapter of the report. Who would need to be involved (e.g., federal government, other states, Canadian government)?
- Donna Sandstrom (The Whale Trail) supports these suggestions.

Donna Sandstrom (The Whale Trail): for Recommendation D, we can look beyond just WA Maritime Blue. For example, using the commercial whale watching vessel licensing system to incentivize low-carbon or zero-emission vessels (e.g., vessels that reduce their emissions could be prioritized for receiving licenses). Request for more information (presentation or webinar) on WA Maritime Blue’s work to understand how it connects to recovering Southern Resident orcas. **Todd to provide more information to Task Force on Maritime Blue.**

**Conclusion:** Susan Gulick (Facilitator) asked the Task Force if they generally support including the climate change chapter in the Year 2 Report to the Governor. The Task Force affirmed their support. **The climate recommendations will be revised based on this discussion and included in the draft report for final review and consideration by the Task Force.**

## LIFE AFTER THE TASK FORCE

Gretchen Muller (Project Manager) provided an update on the Life After the Task Force (LATF) subgroup meeting held on August 26<sup>th</sup>. The subgroup discussed the results of the LATF survey

(pages 22-33 of the [meeting packet](#)) that all Task Force members were invited to take in August. The subgroup used these results to develop three potential hybrid options for Task Force consideration ([slides](#) 18-21):

- Orca Recovery Council
- Governor's Salmon & Orca Recovery Office
- Governor's Salmon & Orca Leadership Team

Gretchen asked the Task Force to participate in a written exercise to respond to the following questions:

- For each hybrid option:
  - What questions do you have?
  - What additional information would you need to support it?
- General gaps, concerns, recommendations, and input?

The subgroup will regroup on September 24<sup>th</sup>, using input from today's Task Force meeting to draft a recommendation for consideration at the final Task Force meeting on October 7<sup>th</sup>. Refer to the link below for Task Force output from this exercise:

<https://pspwa.box.com/s/zxq5vkptjs52xrtuio8ei1wta69zoh7>

## REPORT FROM WORKING GROUPS

Over the summer, the Working Groups met to discuss the following questions:

- What are the highlights of accomplishments/progress to date (what did we get right)?
- Are there new things that need to come to light (emerging issues)?
- Where have we fallen short on progress (where do we need to double-down or require legislative action)?
- Which recommendations need to be revamped to add more specificity? How do we do that?
- Which recommendations require additional legislative action?

Refer to the link below for a full summary of the outputs and recommendations from these Working Group meetings: <https://pspwa.box.com/s/bcuszm9pubujeljye8xyak9fnobywo2>

### Prey

Penny Becker (Prey Working Group Co-Chair) provided an update on the outputs of the August Prey Working Group meeting ([slides](#) 24-26).

### Vessels

Todd Hass (Vessels Working Group Chair) provided an update on the outputs of the August Vessels Working Group meeting ([slides](#) 27-30).

## Contaminants

Derek Day (Contaminants Working Group Chair) provided an update on the outputs of the August Contaminants Working Group meeting ([slides](#) 31-34).

The Task Force was invited to review the highlights of accomplishments/progress to date (what did we get right) and submit written additional highlights for consideration and inclusion in the Year 2 report. The input from the Working Groups, and fishbowl discussion input from the Task Force, will inform the themes and recommendations in the Year 2 report to the Governor.

## NORTHWEST INDIAN FISHERIES COMMISSION RECOMMENDATIONS

Dave Herrera (Skokomish Tribe) provided an overview of the letter written by the Northwest Indian Fisheries Commission (NWIFC) to the co-chairs recommending bold actions for SRKW recovery. Refer to pages 44-48 of the [meeting packet](#) for NWIFC's full letter.

- The NWIFC letter was written in response to the June Task Force meeting Tribal Caucus Report Out. It specifically addresses co-manager issues where tribes have the authority to manage and the responsibility to protect and recover.
- The NWIFC recommendations focus on habitat protection over restoration. Protect the existing functioning habitat that is disappearing.
- Consider approaches that do not require new legislation or funding from the Legislature.

Co-chair Stephanie Solien thanked Dave for representing the letter from the NWIFC and Cecilia Gobin (NWIFC) who has been integral throughout this process. Stephanie encouraged everyone to read the letter and appreciated that it was directed to the co-chairs and the Task Force; while the Task Force is not in a position to have government-to-government consultation with tribes, the Task Force will continue to be a partner in the priorities and bold actions that NWIFC has outlined. On September 5, 2019, Co-chairs Stephanie Solien and Les Purce responded to this letter. Refer to page 49 of the [meeting packet](#) for their full letter.

Terry Williams (Tulalip Tribe) recommended an assessment of how federal, state, and local governments are going to meet their respective obligations. He suggested using the Tulalip Tribe's comments from the [Road Map to Washington's Future](#) plan to work out a process where the tribes have access to decision-making that affects them (prior and informed consent).

Jacques White (Long Live the Kings) responded to the co-chair letter's commitment to "direct that a portion of the remaining two task force meetings be spent on discussing ways to improve our implementation effort. The actions that you specify in your little letter will form an excellent starting place for discussion": incorporate the NWIFC recommendations into the Year 2 recommendations and cross-reference them accordingly.

Terry Williams (Tulalip Tribe) suggested the need to better understand the relationship between the tribes and the Canadian government. The Salish Sea Gathering convenes Salish Sea Tribes in Canada and Washington State, working with federal, state, and local governments on

transboundary issues. Consider using this funding and existing forum to benefit salmon and orca.

Debra Lekanoff offered her assistance as an elected official to work with tribal leaders and state representatives to advance the NWIFC and Task Force recommendations. She urges that treaty tribes of Washington State be treated as equal decision-makers going forward, noting there should be two Chairpersons sitting next to Les and Stephanie making decisions on behalf of treaty tribes.

G.I. James (Lummi Nation) clarified his earlier comments, emphasizing the urgency and importance of this work. He asked for clarity for tribal roles and urged the Task Force to provide clear direction to the Governor.

Mindy Roberts (Washington Environmental Council) thanked the tribes for their letter to the Task Force and acknowledged that many of the ideas in this letter were presented to the Salmon Recovery Council two years ago. She asked the Task Force to consider, "if not now, when?" She reminded the group that salmon recovery is a matter of survival for the salmon themselves, the orcas, and for communities.

Jeff Dickison (Squaxin Island Tribe) expressed frustration with the lack of inclusion of the tribes via a process that recognizes tribal sovereignty and allows tribes to communicate on a government-to-government basis. He does not support the Task Force's recommendations—not on their substance—but based on the process and lack of government-to-government engagement.

Mark Doumit (Washington State Forest Protection Association) thanked the tribes for their succinct letter and emphasized the first three recommendations (increase hatchery production in key watersheds, address fish passage barriers, and fully fund and implement the Puget Sound Chinook Recovery Plan). He agrees it is past time to start investing in infrastructure to address impacts of population growth to improve water quality and provide basic sewage and stormwater treatment. Prioritize investments in fixing local culverts.

Terry Williams (Tulalip Tribe) supports expanding the use of Local Integrating Organization forums to convene federal, state, and local governments along with tribes. Consider ways to productively work with the timber and agriculture industries. These various government entities need to work together on culvert replacements to connect flows from the headwaters down to Puget Sound.

## **FISHBOWL: TASK FORCE REPORT TO GOVERNOR**

Susan Gulick (facilitator) opened the floor to discuss the following questions:

- 1.) Do you agree with emphasizing the urgent need for the recommendations highlighted by the Working Group Leads?
- 2.) Are there other recommendations you would like the Task Force to emphasize?

## Prey

Commissioner Jamie Stevens (San Juan County):

- In response to, "Ensure greater collaboration between hatchery and habitat restoration efforts so that habitat is available for newly produced hatchery fish": include wild stocks. Is there evidence that we have enough forage fish to support both wild and hatchery stocks?
- In response to, "Increase funding for northern pike eradication and containment efforts to prevent predation impacts to salmon in the Columbia River": If we don't take care of the northern pike eradication, the pinniped predation issue won't matter.

Paul McCollum (Port Gamble S'Klallam Tribe): prioritize recommendations for legislation and funding.

Mayor Will Hall (City of Shoreline):

- Increase funding and double-down on implementing Task Force Recommendation 3: Apply and enforce laws that protect habitat.
  - Provide adequate resources and support to ensure full compliance of our regulations and enforce laws that protect habitat, while funding restoration.
  - Despite the Growth Management Act and critical area regulations in most Puget Sound jurisdictions, we are still seeing the loss of ecologically sensitive riparian areas (nexus to population growth and development).
  - If we don't stop destroying habitat, we'll continue spending money on restoration without achieving net ecological gain.
- Mindy Roberts (Washington Environmental Council) added that the report should include language that "business as usual means extinction for orcas and Chinook."

Amy Windrope (WA Department Fish and Wildlife):

- Emphasized that much of the significant increase in funding that WDFW received as part of the SRKW package was one-time funding.
  - With the increase in funding, WDFW has been working on: doubling the enforcement patrols on the water, increasing smolts by about 18 million, increasing smolts by 1.5 million with the tribes, addressing pinniped predation, changing the bag limits for non-native fish, harmful algal blooms (HBA), and licensing rules. WDFW cannot continue to implement this work unless they receive additional funding in the upcoming supplemental at the same level.
  - Ron Garner (Puget Sound Anglers) emphasized Amy's point and recommended the Task Force makes a proposal to maintain these funding levels annually so the tribes and DFW can maintain hatchery production.
  - Jacques White (Long Live the King) emphasized Amy's point; since the recession DFW has lost a significant amount of funding from the General Fund. DFW's challenges are increasing in terms of managing resources for human use and for wildlife benefits.

- Use the implementation tables from the June Task Force meeting to create a dashboard in the YR2 report which shows the outcomes of funding received for orca recovery efforts. Agencies can update dashboard going forward to show the state that investments made in orca recovery result in on-the-ground change.

Terry Williams (Tulalip Tribes):

- Contaminants from the past 150 years remain in Puget Sound; include the impacts of nutrient loading on forage fish. Increase forage fish production to benefit wild and hatchery fish stocks. Hatchery fish are necessary for both orca and tribal survival.
  - Jacques White (Long Live the Kings) added that only about 25% of Chinook spawning habitat remains in the main channel of the Columbia River. If we were to turn off hatchery production in the Columbia Basin, we would likely impact the orcas severely, if not extirpate them. We will not be able to restore habitat to the point where we can replace hatchery fish entirely. Ensure that habitat restoration supports wild fish recovery hatcheries.
- Currently, there are no consequences for failing to meet instream flow levels. Terry proposed that when issuing water rights/allocations, instream flow becomes a right in itself, enforceable by Ecology, similar to fisheries management and escapements (there are consequences that deter violating escapement levels).
- King County, City of Everett, Snohomish County, and Tulalip have all adopted net gain policies in the absence of state legislation. These policies have been effective at the local level.

Mindy Roberts (Washington Environmental Council):

- In response to, "Increase funding to fully implement salmon recovery plans":
  - Re-incorporate the specific funding numbers that the Prey Working developed last summer. Insufficient to say "increase funding" without being specific about what is needed. Continue to add urgency to the language. Add language around new revenue sources that do not siphon funds from existing meager budgets. Never pit orcas against tribes for funding.
  - Jacques White (Long Live the Kings) agrees that we are spending only about 20% of what's needed for habitat restoration. Now is the time to identify strategies, additional resources, and new funding sources.
- In response to, "Revise Growth Management Act and Shoreline Management Act standards to a 'net ecological benefit' instead of the current 'no net loss' standard to better protect salmon and orcas [Rec. 4]": include other relevant regulations in addition to GMA and SMA. **Mindy to provide Penny and Erik with those additional regulations.**
- Double down on the following implementation details within Recommendation 4:
  - Meet regularly with the Governor's Office, legislators, tribes, DNR, WDFW, Ecology, salmon recovery regional representatives and other partners and stakeholders with the goal of developing a habitat protection/regulatory reform legislative packages for the 2019 and subsequent legislative sessions and rulemaking.

- Direct WDFW to develop a plan with local governments for analyzing cumulative impacts of projects permitted under the HPA program and ask the Legislature to rescind or amend appropriate portions of WDFW's HPA authority (chapter 77.55.231[1] RCW) to enable the agency to require mitigation for cumulative impacts over time. This should be coupled with increased enforcement capacity.

Jacques White (Long Live the Kings):

- Wild and hatchery fish are impacted by reduced marine survival over the past 30 years. For Chinook, this reduced survival is due primarily to a mismatch between when food is available and the amount of food available in the marine environment, due to climate change. Ensure that wild and hatchery populations can take advantage of the new timing of food resource availability in the marine environment. Make hatchery fish as resilient as possible by increasing diversity of populations.
- Bring together a larger group of stakeholders and tribes to balance federal obligations related to salmon management in the Pacific Northwest:
  - ESA recovery requirements for Chinook and other salmon species.
  - ESA recovery requirements for orcas.
  - Tribal treaty fishing rights in usual and accustomed areas.
  - International Pacific Salmon Treaty with Canada, Alaska, and other states on the west coast to meet certain salmon production obligations harvest requirements.
- Amy Windrope (WA Department of Fish & Wildlife) clarified that when DFW and tribal comanagers increased hatchery production this year by about 18 million smolts, they protected wild fish in accordance with responsibilities under ESA.

Maia Bellon (WA Department of Ecology): the legislature funded several four new full-time "Water Masters" (enforcement staff). This staff looks at freshwater bodies to ensure that people aren't stealing water, inconsistent with the state permitting system. Three staff are assigned to the NW region and one in the SW region. Ecology is working with DFW to prioritize actions that will benefit Chinook when rectifying any problems they find.

Jeff Dickison (Squaxin Island Tribe): emphasized doubling-down on the Prey Working Group's recommendation to "Provide funding to (1) determine if pinniped predation is a limiting factor for Chinook in Puget Sound and along Washington's outer coast and evaluate potential management actions, and (2) more effectively manage pinniped predation in the Columbia River [Rec. 12 & 13]."

## **Vessels**

Kristin Swenddal (WA Department of Natural Resources): in response to, "Help ensure SEPA review of marine facilities is routinely applied to atypical changes in use, ownership, etc. that may lead to increased vessel traffic [Rec. 27]": pages 36-43 of the meeting packet summarize potential concerns around the cumulative impacts from numerous vessels. DNR supports working with ORIA to provide more information through the SEPA/JARPA process so that policymakers, local governments, and agencies have a better understanding of ways to mitigate

against increasing vessel traffic from new projects. Impacts from “fast ferries” are an example of issues that could go through the SEPA/JARPA process, if they had been identified in time. Mindy Roberts (Washington Environmental Council) supports this approach.

Lynne Barre (NOAA):

- In response to, “Evaluate effectiveness of Task Force recommendations through monitoring and adaptive management [All Recs]”: leverage ongoing monitoring and adaptive management data collection efforts instead of starting from scratch (e.g., vessel monitoring groups like Sound Watch and Straight Watch, research studies using digital acoustic tagging, and land-based observations).
- In response to, “Redirect boater education and enforcement to central Puget Sound in fall; seek vessel mitigation opportunities on outer coast [Rec. 19]”: continue collaborative efforts like the Be Whale Wise campaign.
  - Jeff Friedman (Pacific Whale Watch Association) suggested replicating San Juan County’s whale warning flag system to increase awareness of whale presence in the boating community.
  - George Harris (Northwest Marine Trade Association) agrees with Lynne and Jeff.

Jeff Friedman (Pacific Whale Watch Association): in response to, “Increase funding to DFW enforcement for additional officers and equipment [Rec. 20]”: support increased enforcement on the water, especially in high-traffic areas. George Harris (Northwest Marine Trade Association) and Mindy Roberts (Washington Environmental Council) agree.

Commissioner Jamie Stevenson (San Juan County):

- In response to, “Redirect boater education and enforcement to central Puget Sound in fall; seek vessel mitigation opportunities on outer coast [Rec. 19]”: revise “redirect” to “expand” boater education and enforcement.
  - Mindy Roberts (Washington Environmental Council) agrees with Commissioner Stevenson. Scale up voter education and enforcement, including in Central Puget Sound where many boaters originate. Seek vessel mitigation opportunities on the outer coast.
- In response to, “Create and charter a transboundary forum to integrate and coordinate US/WA and Canadian actions for waterways management and SRKW conservation AND Evaluate cumulative impacts of vessel traffic [Rec. 24 & 27]”: emphasize Recommendation 24, which is getting lost as written.

Terry Williams (Tulalip Tribe): Alaskan cruise ships carrying up to 6,000 passengers discharge waste into Canadian waters, increasing nutrients in Fraser River, which provides 80% of the freshwater to Puget Sound. Work with Canadian partners and review rules in Puget Sound to limit these waste discharges.

- Maia Bellon (WA Department of Ecology) clarified that vessels are prohibited from discharging waste in Puget Sound.

- George Harris (Northwest Marine Trade Association) clarified that federal legislation was recently passed, prohibiting Type 1 and Type 2 discharges from self-contained sewage treatment systems on boats in Puget Sound.

Donna Sandstrom (The Whale Trail): double-down on Recommendation 28: Suspend viewing of Southern Resident orcas. Look for legislative support to champion this recommendation. Urge the Pacific Whale Watch Association to stop watching, and stay 650 yards from, the Southern Residents (PWWA already has this agreement with Transport Canada. The agreement expires October 31, 2019).

- Brendan Flynn (commercial fisherman) agrees with Donna.
- Jeff Friedman (Pacific Whale Watch Association) believes reviving the moratorium is not an effective use of Task Force time in recovering the orca population. He that Southern Residents faced much more extreme threats in the 1960-70's (whales were shot at, herded into coves using seal bombs, and netted). As such, quietly watching the whales from 300-yards at 7-knots is not the cause of habitat displacement; Southern Residents are leaving due to lack of Chinook.
- George Harris (Northwest Marine Trade Association) added that the ban on recreational fishing in August in the San Juan Islands significantly decreased the amount of vessel traffic, particularly on the west side.
- Susan reminded everyone that the recommendation to suspend viewing of SRKW still stands and any person or interest group can ask the legislature to reconsider this. However, if Donna or other members want the Task Force to double-down on this, we will need a super-majority of support. If Donna (or others) can show that level of support, we can put this on the next agenda; if not, we will not revisit it.

Chad Bowe chop (Makah Tribe): in response to, "Create and charter a transboundary forum to integrate and coordinate US/WA and Canadian actions for waterways management and SRKW conservation AND Evaluate cumulative impacts of vessel traffic [Rec. 24 & 27]": add additional language that says "by working with the appropriate federal partners or agencies." Ensure that any forum created recognizes the interests of First Nations and tribal treaty tribes, as well as the federal obligation to trust responsibility.

Mindy Roberts (Washington Environmental Council):

- In response to, "Enhance and extend US shipping sector's compliance with the interim (feeding) sanctuary zone located near Swiftsure Bank in Canada/mouth of Strait of Juan de Fuca": modify language to include "recreational vessels compliance."
  - Lynne Barre (NOAA) added that the Canadian interim sanctuary zones expire October 31, 2019. If recreational vessels are included in this recommendation, then include other interim sanctuary zones (beyond Swiftsure Bank) that are visited more frequently by recreational vessels.
- In response to, "Add capacity for Governor's Maritime Blue to pursue shipping innovations that also benefit SRKWs [Rec. 22]": modify to "expanding the WA Maritime Blue Scope of work to implement recommendations from the SRKW Task Force" and

recommend that Maritime Blue identifies and addresses shipping and other maritime impacts.

- Military testing is a fundamental hole in the SRKW Task Force structure. Develop a recommendation to address the Navy's sonar and explosives testing. Leverage the work done by WEC and other organizations who have requested that NOAA reject the Navy's request to increase testing.

## Contaminants

Commissioner Steve Johnston (Port of Edmonds):

- Supports "Toxics control funding provided through the state's Model Toxics Control Act (MTCA) should be maintained for preventing and cleaning up toxics [Rec. 31]."
- Supports "Prioritize stormwater management and cleanup based on evidence of toxic impacts on salmon [Rec. 31]."
  - Mindy Roberts (Washington Environmental Council) wants to accelerate and prioritize enhanced stormwater management. Look at known hot spots in Puget Sound area that coincide with the most intense land uses. Include transportation corridors and ports.

Kevin Bartoy (WA State Department of Transportation): in response to, "Executive order for WA Department of Transportation to do more on stormwater [Rec. 31]": add clarity to what "do more" means. A cooperative relationship between WSDOT and Ecology is likely to be more effective than going through Executive Order; provide guidance on what this might look like.

Mindy Roberts (WA Environmental Council):

- Make statements like "decrease nutrients from wastewater treatment plants in the Puget Sound region by transitioning to the NPDES general permit approach." Lead with language around what we want to achieve (decreasing nutrients). Tie nutrients to the larger food web and ocean acidification issues.
- Apply the net ecological gain framework to contaminants (in addition to habitat) recommendations. Land cover changes (from forested lands to residential, commercial, or industrial uses) result in increased nutrients and toxics.
- In response to, "Add temperature increases to the climate problem statement as heat is a pollutant and harmful to salmon [Rec. 32]": include effects of increased stream temperatures from climate change as a pollutant. Riparian vegetation is critical for juvenile salmon and returning adults, which face lethally hot stream temperatures.

Commissioner Jamie Stephens (San Juan County):

- In response to Ecology's "Nutrient Reduction Recommendation #1: Develop a NPDES permit framework for wastewater treatment in Puget Sound": several small- to medium-sized sewage systems around Puget Sound want to upgrade and improve their wastewater treatment systems but do not have funding or grants to do so. Include information on the costs associated with making these upgrades.

- Heather Bartlett (WA Department of Ecology): Ecology has competitive funding from its Clean Water State Revolving Fund and Centennial Clean Water Program available to help wastewater treatment plants make upgrades.
- Maia Bellon (WA Department of Ecology): the Legislature should continue to support funding to make sure that these small and medium systems don't fail and can get upgrades when they need them.
- In response to Ecology's "Nutrient Reduction Recommendation #3: Collect high-quality, nutrient data in watersheds to fill key knowledge gaps of baseline conditions": it seems like more time is being spent gathering data than funding projects that manage nutrients.
  - Heather Bartlett (WA Department of Ecology): The Salish Sea model shows that human sources of nutrients are increasing the number of days and the levels that dissolved oxygen exceeds standards (levels are not meeting what fish and the environment need). Ecology has overlaid dissolved oxygen low levels with DNR eel grass surveys, observing correlations (reduction in the eel grass). Human sources of nutrients are changing the water quality, therefore affecting the food web. The advanced wastewater treatment plant technology that Ecology references is already being used around the country (just newer to our region).
- In response to, "Ecology require local governments to conduct facilities planning through 2070 that looks at population growth through a wastewater (centralized and onsite sewage), CSO, and stormwater lens, and ensure increased contaminants loads don't impact salmon and orcas [General]": amend to say require "and fund" local governments. Consider changing 2070 to 2040 for consistency with growth management plans.
  - Mindy Roberts (Washington Environmental Council) added that by 2070, the region's population is expected to double. Quantify what those population numbers mean in terms of wastewater and potential impacts to the ecosystem.

Paul McCollum (Port Gamble S'Klallam Tribe):

- Wants to ensure that there are cross-references between (1) the nutrients recommendations from Ecology, (2) the nutrients/contaminants recommendations from the Contaminants Working Group, and (3) the climate change recommendations around contaminants and nutrients.
- Supports the language around projected impacts of sea level rise in the first sub-bullet under climate change Recommendation E. Ensure sea level rise projections are incorporated throughout all recommendations, as appropriate.
  - Terry Williams (Tulalip Tribe) agrees that projected impacts of sea level rise are critical to consider for decisions around infrastructure.

Maia Bellon (WA Department of Ecology): supports "Protect against regulatory rollbacks at the federal and state level [Rec. 32]." EPA is contemplating repealing the Puget Sound's "no-

discharge-zone” for vessel sewage as well as some water quality standards and protective human health criteria. These federal rollbacks would increase contaminants and nutrients.

- Mindy Roberts (Washington Environmental Council) supports the SRKW Task Force recommendations for protections against these rollbacks, especially in light of climate change and land cover changes.

The consulting team will work with Working Group Chairs to reflect the Working Group and Task Force feedback into the first draft of the Year 2 SRKW Report (available by October 7<sup>th</sup>).

## PUBLIC COMMENT

Issues and suggestions raised during the public comment period are summarized below. The public is also encouraged to submit comments in [writing](#). Everyone who signed up for public comment at this meeting had an opportunity to speak.

Bill Van Ry encourages the Task Force to address population growth at the local, state, and federal levels.

Chief C. Jessie C. Nightwalker referenced his [letter](#) to the Governor, Senators of WA State, and Governor-appointed members of the SRKW Task Force. His letter outlines three primary issues with the Lower Snake River dams: (1) honoring the gentleman’s agreement made by two WA senators, (2) disenfranchisement of endangered species habitat, and (3) inherent settlement rights.

Coleman Byrnes supports (1) removing the Lower Snake River dams (2) not building new dams, (3) stopping the armoring of shorelines, (4) fixing culverts, and (5) protecting riparian vegetation.

Bruce Wishart (Puget Soundkeeper) supports (1) incorporating nutrients and the nexus with climate change and population growth into Task Force recommendations in Year 2 and (2) a formal mechanism for continuing Task Force work beyond 2019.

Ann Woodburn supports (1) stop supplementing cattle grazing, (2) reduce Chinook fishing limits, (3) continue to have Task Force meetings until the orcas are in good shape, (4) educate younger people, (4) speed up removal of the Snake River dams.

Robb Krehbiel (Defenders of Wildlife) summarized three key points from the Defenders of Wildlife [letter](#) on recommended actions for Year 2 of the SRKW Task Force:

- Support an ecological-net-gain policy for habitat mitigation. Policy change could incentivize restoration and build climate resilience in cities and rural areas throughout Puget Sound. Protecting the habitat that remains is not going to be enough for salmon and orca recovery.
- Accelerate barrier removal, particularly to increase access to cold water refugia and climate-resilient habitat. For example, the Lower Snake River dams create exceedingly

hot temperatures in their reservoirs that will further kill salmon. Improve climate resiliency while removal barriers.

- Establish a dedicated revenue stream for salmon habitat protection and restoration. Look at ways to generate revenue (e.g., taxes) and increase political will.

Lee First (Twin Harbors Waterkeeper) concerned that Ecology is considering a dam on the headwaters of the Chehalis River that could cause Chinook salmon to go extinct.

David Bain (Orca Conservancy) recommended the Incident Command Structure (ICS) as an alternative option for Life After the Task Force. ICS is used to deal with oil spills, hurricanes, and wildfires. Quantify the amount of recovery associated with proposed actions. No net loss has been ineffective due in part to exemptions.

Rick Rupp read a [letter](#) from the Nez Perce Tribe to Gov. Brad Little (ID) regarding the restoration of healthy, harvestable levels of salmon and steelhead to Nez Perce Country and Idaho.

Shannon Davis (Friends of the San Juans) recommends improved enforcement, slower vessel speed limits, and/or protected areas for Southern Residents.

Jim Waddell (Clallam County Public Utility District) recommends breaching the Lower Snake River dams. Governor Inslee should demand that the Corps of Engineers and Bonneville Power use their vested authority to act immediately (in lieu of the LSRD Stakeholder Process).

Colleen Weiler (Whale & Dolphin Conservation) recommends: incorporating anticipated changes in climate and population growth into habitat protection and recovery plans; supporting full and permanent funding for WDFW and other state natural resource agencies; supporting an ecological net gain policy to incentivize and support habitat restoration projects and minimize impacts of development; reducing pollution through additional investments in green stormwater infrastructure and increasing corporate accountability for environmental damages; opposing the Trans Mountain pipeline and actively supporting tribes and First Nations efforts to stop this project; use planning and state permit review to reduce noise and vessel impacts from larger vessel traffic; scale up boater outreach and communication to bridge the wide gap in awareness and the recently changing regulations; require the Navy to implement enhanced mitigation measures in Washington state to reduce or eliminate impacts on Southern Resident orcas.

Amy Carey (Sound Action) supports shifting to a “net ecological gain” to replace “no net loss” statewide standard, beyond just GMA and SMA.

Alisa Lamirê Brooks recommends focusing on salmon recovery instead of adding more vessel restrictions (i.e., whale watching suspension). Whale watching operators (1) provide critical data

for researchers, NOAA, and DFW, (2) notify the Navy when whales are present, (3) and help people connect to the natural environment. Alisa promotes citizen science.

Darlene Schanfald supports removing the Snake River dams, scaling back hatchery fish to support wild fish recovery, and working with folks on the ground on issues related to wastewater treatment plants.

Debra Ellers supports breaching the Lower Snake River dams, citing the ecological benefits that removing the Elwha dams has achieved.

Cindy Hansen presented a petition written and signed by orca advocates concerned about unintended negative consequences resulting from new whale watching regulations, including (1) private boats speeding over the whales while no whale watch vessels were present, (2) enforcement and education boats being unable to get updated locations of the whales without whale watch boats present, (3) the Canadian navy undertaking active testing without being aware of J Pod's exact location in the Strait of Georgia, (4) and researchers being unable to collect vital data due to being unaware of the whales' location during their limited visits. The petition currently has 3,434 signatures.

Karlee Deatherage (Resources for Sustainable Communities) supports replacing the no net loss mandate with net ecological gain. Consider ways to protect trees as we direct growth to urban areas. Consider stream flows and water quantity.

Ed Chadd (Olympic Climate Action) supports breaching the Lower Snake River dams.

Cathy Lear recommends coordinating with federal agencies (e.g., U.S. Army Corps of Engineers) to bring restoration projects into the same realm as railroads and transportation projects. Provide a straightforward regional permitting process with clear timelines and standards.

Rein Attemann supports the "Governor's Salmon & Orca Leadership Team" hybrid approach to continuing task force work beyond 2019. He emphasized the need for enforcement on the water.

Ron Richards supports breaching the Lower Snake River dams.

Nathan Donnelly supports a 650-yard buffer around Southern Residents.

Tyson Minck supports breaching the Lower Snake River dams through the U.S. Army Corps of Engineers.

## WRAP-UP AND NEXT STEPS

Gretchen Muller (consulting team project manager) walked through next steps:

- The Population Growth Subgroup Meeting will be held on September 11<sup>th</sup>.
- The next Life After the Task Force Subgroup Meeting will be held on September 24<sup>th</sup>.
- The final Task Force Meeting will be held on October 7<sup>th</sup>.
- Year 2 Report key dates:
  - Steering Committee review from 9/23 through 9/27.
  - Updated draft available for Task Force review by 10/7.
  - Public comment period open from 10/14-10/25.
  - Final report posted 11/8.

Les Purce (SRKW Task Force co-chair) thanked the Task Force for their contributions and for the public's input. He emphasized civility and respect as a foundation of the Task Force's work, now and into the future.