

Southern Resident Killer Whale Task Force Meeting #2: Summary

June 14, 2018 in Olympia

Attending: *(This list includes only those who signed the sign-in sheet)*

Task Force members:

Amy Scarton	Washington State Department of Transportation
Amy Windrope	Washington Department of Fish and Wildlife
Commissioner Andy Hover	Okanogan County
B.J. Kieffer	Spokane Tribe
Butch Smith	Ilwaco Charters
Cecilia Gobin	Northwest Indian Fisheries Commission
Mr. Scott McCreery sitting in for Chad Bovechop	Makah Tribe
Dave Herrera	Skokomish Tribe
Donna Sandstrom	The Whale Trail
George Harris	NW Marine Trade Association
Jacques White	Long Live The Kings
Commissioner Jamie Stephens	San Juan County
Lisa Wilson sitting in for Chairman Jay Julius	Lummi Nation
Jeff Dickison	Squaxin Island Tribe
Jeff Friedman	Pacific Whale Watch Association
JT Austin	Office of Governor Inslee
Kaleen Cottingham	Washington State Recreation and Conservation Office
Casey Baldwin sitting in for Karen Condon	Colville Confederated Tribes
Kathy Pittis	Port of Anacortes
Kelly McLain	Washington State Department of Agriculture
Ken Balcomb	Center for Whale Research
Kristin Swenddal	Washington State Department of Natural Resources
Chairman Leonard Forsman	Suquamish Tribe
Les Purce	Task Force Co-Chair
Lynne Barre	NOAA
Heather Bartlett sitting in for Maia Bellon	Washington State Department of Ecology

Mark Doumit	Washington Forest Protection Association
Mindy Roberts	Washington Environmental Council
Paul McCollum	Port Gamble S'Klallam Tribe
Rep. Brian Blake	WA House of Representatives (D)
Rep. Drew MacEwen	WA House of Representatives (R)
Ron Garner	Puget Sound Anglers
Ron Shultz	Washington State Conservation Commission
Sen. Kevin Ranker	WA State Senate (D)
Sheida Sahandy	Puget Sound Partnership
Stephanie Solien	Task Force Co-Chair
Trina Wellman	Northern Economics, Inc.
Virginia Painter	Washington State Parks
Mayor Will Hall	Mayor, City of Shoreline
Bryce Campbell, observer	Global Affairs Canada

Staff, Steering Committee, presenters, and Cascadia Consulting team:

Derek Day	Washington State Department of Ecology
Jim Cahill	Office of Financial Management
Laura Blackmore	Puget Sound Partnership
Leslie Connelly	Office of Financial Management
Marc Daudon	The Caspian Group
Nora Nickum	Project Manager, Cascadia Consulting Group
Penny Becker	Washington Department of Fish and Wildlife
Susan Gulick	Facilitator, Sound Resolutions
Todd Hass	Puget Sound Partnership
Tom Laurie	Washington State Department of Ecology

OPENING AND INTRODUCTIONS

Following the Tribal welcome and blessing, the co-chairs gave introductory remarks, and all Task Force members and members of the public introduced themselves.

APPROVAL OF MEETING SUMMARY

Task Force members submitted requested changes to the summary of the first Task Force meeting (May 1, 2018) in advance. The summary was approved with those changes.

PROJECT OVERVIEW

Nora Nickum, the consulting team project manager, gave a refresher on the Task Force and Working Group work flow for 2018.

REPORT FROM WORKING GROUP LEADS

Penny Becker, Derek Day, and Todd Hass gave presentations on the progress made by Working Groups to date, and the potential actions that would be the focus of the afternoon breakout sessions. The presentations are available on the Governor's [website](#). The questions from the Task Force and other discussion items are noted below.

Relevant to all Working Groups:

- There were comments about using the terms “feasibility” and “cost” at this stage. Task Force members cautioned against eliminating potential actions at this early stage just because they are expensive or seem difficult. At the same time, some said that information about feasibility and cost will be useful, that it is something that can be clearly communicated to constituents, and that it will help the Task Force understand if something is actionable in the short, medium, or long term.

Vessels:

Todd Hass's presentation is available on the Governor's [website](#).

Task Force members' information requests included:

- Understanding the difference in how vessel noise and disturbance impacts how transients feed versus how SRKW feed.
- Understanding the relative negative impacts of vessels compared to toxics and prey. (Another Task Force member noted that noise leads to a significant decrease in foraging time.)
- Getting a better idea of travel routes and actual feeding hotspots.
- Making existing monitoring data available to the Working Group.

Additional comments from Task Force members related to the following topics::

- Considering the potential for oil spills.
- Considering non-vessel noise threats.

Comments related to potential actions:

- Getting information about sonar impacts out to marine suppliers and dealers so they can educate people who are buying equipment.
- Considering go-slow zones as well as no-go zones.

- Considering the economic impact of a no-go zone.
- Thinking about practicalities for boaters, including where rerouting small vessels is actually possible.
- Reviewing the NOAA guidelines, including speed restrictions within 400 yards of SRKW.

REPORT FROM BREAKOUT GROUPS

The discussion guides for these breakout groups—with additional context for each of the potential actions—are available on the Governor’s [website](#). This summary notes the questions and ideas raised in the breakout groups, as summarized during the plenary discussion. It also includes questions and ideas raised by other Task Force members during that plenary.

Vessels

Potential action #1: Establish speed limits for small vessels in proximity of whales, while building associated enforcement capacity.

- Please define “small vessel.”
- What is the science on the impact of small vessel noise on the orca? The science will also help educate the public on our ultimate recommendations.
- What is enforceable?
- What types of vessels can the state regulate?
- Look at both recreational and commercial vessels.
- We need effective education for all new measures.

Potential action #2: Support and accelerate transition of WA state ferry system to quieter designs and technologies.

- What is the schedule for implementation? What is already going on with the ferries in terms of retrofits, replacement, and conversion to hybrids, and on what timeline?
- Are there any other ferry retrofits that could be done in the short term that would make a difference?
- Link the work of this Task Force to the Blue Marine Task Force, and to the Task Force on Executive Order 1801.
- Take another look at the pros and cons in the discussion guide – some of the cons may actually be reframed as pros (e.g., with many ferries nearing end of service life anyway, it wouldn’t be a major issue to decommission existing ones soon).

Potential action #3: Evaluate Pacific Whale Watch Association guidelines, and provide direction to small vessel sectors on best practices for use of echo sounders and other underwater transducers in vicinity of SRKWs (with the exception of those taking actions necessary to avoid

imminent and serious threat to a person, vessel, or the environment). Support adoption of best practices through education and outreach.

- Is there more data on how echo sounders impair whale mobility?
- Different equipment may have different impacts, even if they operate at the same frequency. We may need to get more information from manufacturers.
- Boater education on the equipment and its use is very important.
- Marine equipment manufacturers could do education and show that they are doing something positive for the whales.
- Consider the potential for incentives (e.g., discounts on new sounders, exchange depth sounders).

Potential action #4: Establish a permit system for commercial whale watching vessels, coupled with requirements, such as the use of Automatic Identification Systems (AIS), to promote effective monitoring and compliance.

- Who would regulate/issue permits?
- How many permits should be issued? What is the tipping point on the number of vessels that impacts whales?
- Would the permit be granted by vessel or by company?
- How does this sync up with guides in Canada?
- Can we restrict Canadian guides in Washington?
- Be specific on impact to industry.
- What are the economic *benefits* of a permit system?
- Consider a moratorium/full closure.

Potential action #5: Expand Washington State collaboration in—and support for—ECHO (as informally invited by the Vancouver Fraser Port Authority and encouraged by several key members of the Working Group) to: (1) promote voluntary participation by outbound ships in the lateral displacement trial in Strait of Juan de Fuca in summer 2018; and (2) advance and expand a Whale Report Alert System for potential use by professional mariners (pilots/ships/private ferries/Navies/etc.) for potential lead-time (and real-time) ship course and speed management; and (3) more fully integrate Washington’s vision and interests in the group’s transboundary efforts following the summer trials described in (1) and (2).

- WSF will slow this summer.
- Coordinate on pod location.
- Can communicate by text with operators when whales are present.
- Whale Alert System coordination – where does the information come from and where does it go? Who would have access to the information? May need to avoid unintended consequences.

- Consider measures to avoid collisions.

Potential action #6: Convene affected user groups, interested parties, governments and Tribes in a systematic, finer-scale marine spatial planning effort for the west side of the San Juan Islands—using updated scientific methodologies that seek to balance competing objectives while helping meet and expedite the potential rule-making needs of NOAA. The aim is to identify the size, shape, and location of a no-go zone that will maximize benefits to the whales at the least cost to ocean users.

- What is the impact of kayaking on the whales?
- Make sure no-go zones are where orcas are actually feeding (but that may be more challenging to pin down if studies are old and feeding habits have changed over time).
- Consider pros/cons of voluntary versus regulatory no-go zones.
- Also consider go-slow zones.
- Also consider shutdown areas.
- Review NOAA data.
- Make sure Tribal treaty rights are fully considered and respected.
- NOAA has evaluated a 400-yard buffer zone; the WG should investigate that further as an alternative to a 200-yard buffer.
- We need two kinds of no-go zones: one that moves with the whales (200 & 400 yards right now) and a fixed one where whales feed and socialize regularly.
 - The Working Group will split this into two options: Potential action #6a: 400-yard bubble around the whales. Potential action #6b: regulatory fixed no-go zone or continuation of voluntary fixed no-go zone.

Overarching questions/comments and plenary discussion:

- What are the goals? What is the quantifiable target?
- What does the science say about impacts of vessels on SRKW, ideal speed, etc.?
- Look at deep sea or tanker-type traffic.
- Ferries can look at Automatic Identification System (AIS) to see where the whales are.
- Interest in social impacts such as how viewing orcas inspires stewardship.
- Look into the flag system that is already being implemented.
- Can we use the Coast Guard system to close places in real time (e.g., Coast Guard notice to mariners on whale presence and a temporary no-go zone)?

For all Working Groups:

- What's going to have the biggest impact on orcas?
- Look at the other healthier orca populations – what are the key differences that make them healthy? Can that point us to actions that would be most effective for SRKW?
- Bring back bold actions. What are the most effective things we can do?

EVALUATION CRITERIA

The draft criteria presented during this meeting were posted on the Governor's [website](#).

Nora Nickum, the project manager, explained that the draft criteria were developed by the consultant team and Working Group leads, and reviewed by the Steering Committee. They are intended to be a structure for giving the Task Force quick, easy-to-review information about the different potential actions. They will not be used to eliminate any potential actions from consideration.

Task Force members requested specific changes to the document, which are reflected in the updated version of the document. The updated version will be posted on the Governor's [website](#) and provided to Working Group leads for use in structuring their upcoming meetings and outputs.

Comments from Task Force members included:

- Cost is not fixed. We can make recommendations that would affect cost (e.g., streamline permitting to reduce the cost of removing fish passage barriers).
- Identify how each potential action could be evaluated, where possible.
- Working Groups could look at surveys of public perception to better understand social/political feasibility.
- It could be useful to look at the criteria for Near Term Actions to get additional ideas.
- We should be guided by the best available science.
- We should think about this in a portfolio approach with equitable impacts to communities across the portfolio.
- Uncertainty relates to several of the other criteria. It is also important to embrace some uncertainty, take some risks to find something that works, and promote adaptive management.
- We should go ahead and tackle things even if they have been politically infeasible in the past.
- We should make sure we are addressing the most urgent and severe threats.
- Note where potential actions are reinforcing or leveraging existing efforts.
- Time and place is a key screen to see the likely effectiveness of each action.
- While there is no clear weighting in this document, the Task Force should be weighting "effectiveness" far higher than the others.
- As indicated by the project manager, these criteria should be used for purely informational purposes, not to limit what the Task Force gets to review.

In addition, there was discussion of a need to have a shared vision of success with quantifiable, overarching goals to clarify the Task Force's desired outcome for the SRKW and enable us to

measure progress. It could relate to SRKW health improvement and survival, number of new SRKW calves, number of Chinook available, or other metrics.

PUBLIC COMMENT

The following is a summary of the issues and suggestions raised during the public comment periods in the afternoon.

- Lovel Pratt, Friends of the San Juans, shared a handout with information on the risk of oil spills and requested that the Task Force consider actions specific to the risk of Canadian crude oil spills.
- Brett Rosson, Highliner Charters, showed a map of areas already closed in summer to Chinook recreational harvest. He said that the recreational fishing community already has many fewer days on the water than they did a few years ago, and that this should be acknowledged as a contribution to this effort as it supports Chinook conservation.
- Deborah Giles, University of Washington Friday Harbor, noted that climate change should be addressed by all three Working Groups and the Task Force. Important to look at bycatch.
- Chris Wilke, Puget Soundkeeper, said the list of actions to be discussed by the Task Force should include regulatory solutions for clean water (e.g., improving NPDES permits) and making industrial pre-treatment systems more robust.
- David Bain, Orca Conservancy, said that we have already put together recovery plans that are sitting on shelves; we need to talk about the barriers to implementation and try to find win-wins or areas where consensus can be achieved rather than “us against them.” He also said that the Task Force needs to come up with a combination of short, medium, and long-term actions that add up over time so that we achieve the goal of a 3% growth rate in population.
- Jim Youngren, Long Live the Kings, said he understands there are some things that can be done to benefit the whales in the short term, and that he looks forward to helping to develop ideas of specific things that can be done.
- Whitney Neugebauer, Director of Whale Scout, said that the Task Force selection process had not been transparent and noted that referring to 2019 work shouldn’t be used as way to kick consideration of difficult options down the road. She also noted a need to talk about dam removal; fund existing salmon recovery plans; address oil spills; and keep a focus on sustainable natural processes that will benefit the whales and our communities.
- Robb Krehbiel, Defenders of Wildlife, said that the long-term sustainability and climate resiliency of actions should be considered in the evaluation criteria, and that the Task Force should look holistically at the entire ecosystem and ecological processes. He also said that adaptive management will be important and that the group should start looking at ways to raise additional funds.

- Phil Gardner, Office of U.S. Representative Denny Heck, said it's great to see a state-level dialogue happening on this topic and that this can hopefully be a starting point with ultimate federal action too.
- Kelly Iriye, Dam Sense, said that the four dams in the Snake River are dramatically hindering salmon migration. She provided a handout with petition information about breaching the Lower Snake River dams.
- Jim Waddell talked about loss of smolts to the Lower Snake River dams and provided a handout on breaching the four Lower Snake River dams. He noted that another orca had recently died and that taking action is urgent.
- Joseph Bogaard, Pacific Salmon Coalition, said that there is urgency and a need for boldness; he also talked about the importance of considering climate resilience. He shared a letter signed by scientists last year on the benefits of increased spill at the Lower Columbia and Lower Snake River dams and a fact sheet that summarizes the findings of an analysis by the Northwest Energy Coalition on energy replacement options for the Snake River dams.
- Giulia Good Stefani, NRDC, urged the Task Force to reorient back to the urgency. She asked for an emphasis on the Columbia and Snake basins and letting the salmon return.
- Jesse Nightwalker, Palus Tribe, said that there had been a handshake agreement that the Snake River dams would come down in 2010 and that they need to be breached, no matter what.

NEXT STEPS/ACTION ITEMS

The criteria document will be updated based on today's conversation and provided to the Working Groups to use in structuring their discussions and preparing materials for the next Task Force meeting. The updated version will also be circulated to Task Force members and uploaded to the Governor's website.

UPCOMING MEETINGS

Task Force meetings

- Task Force meeting #3: August 7, 9 am to 4 pm, Confluence Technology Center, 285 Technology Center Way, Wenatchee
- Task Force meeting #4: August 28, 10 am to 5 pm, Swinomish Casino and Lodge, 12885 Casino Drive, Anacortes
- Task Force meeting #5: October 18, in Olympia area (times and venue to be decided)

Working Group meetings

Vessels Working Group

- June 20, 1 to 3pm, conference call or WebEx

- July 12, 10 am-4 pm, Federal Center South, Seattle
- August 15, 1 to 3pm, conference call or WebEx

Contaminants Working Group

- July 19, 10 am to 4 pm, location to be decided—likely in South Seattle or Tacoma

Prey Working Group

- June 25, 10 am to 4 pm, Washington Department of Fish and Wildlife office, Southwest Region, 5525 S 11th Street, Ridgefield
- July 25, 10 am to 4 pm, Natural Resources Building, Olympia
- August 9, 10 am to 4 pm, Puget Sound Energy Wild Horse Wind Farm Renewable Energy Center, 25905 Vantage Highway, Ellensburg

All Working Groups Integration Workshop

- August 20, 10 am to 3 pm, location to be decided—in the Seattle/Auburn/Federal Way area