Southern Resident Killer Whale Task Force Meeting #9: Summary
June 3, 2019 in Puyallup

Action items are highlighted in red font throughout.

Attending:

**Task Force members:**

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<td>Amy Trainer</td>
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<td>Amy Windrope</td>
<td>Washington State Department of Fish and Wildlife</td>
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<td>Brad Smith</td>
<td>Washington State Fish and Wildlife Commission</td>
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<td>Brendan Flynn</td>
<td>Commercial fisherman</td>
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<td>Bryce Campbell</td>
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<td>Cecilia Gobin</td>
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<td>Chairman Leonard Forsman</td>
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<td>Commissioner Steve Johnston</td>
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<td>George Harris</td>
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<td>G.I. James</td>
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<td>Kaleen Cottingham</td>
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<td>Katie Wrubel</td>
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<td>Kelley Balcomb-Bartok</td>
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<td>Kristin Swenndal</td>
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<td>Laura Blackmore</td>
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<td>Les Purce</td>
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<td>Lisa Wilson</td>
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<td>Lynne Barre</td>
<td>National Oceanic and Atmospheric Administration</td>
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<td>Nicole McIntosh</td>
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OPENING AND INTRODUCTIONS

Following the Tribal welcome and blessing by Puyallup Tribal Elder Connie McCloud, the co-chairs gave introductory remarks:

Co-chair Stephanie Solien celebrated key milestones since the March meeting, including:

1. A second Southern Resident orca calf was born to J-Pod, bringing the total population up to 76
2. Washington’s 2019-21 legislature passed five major policy bills which include protections for salmon habitat, quieting the waters, and lessening toxins.
3. The legislature passed a budget which includes $933M for Southern Resident orca recovery actions.

Stephanie thanked everyone on the Task Force for their diligent efforts and commitment over the past four months, being the voice for Southern Residents, meeting with policy makers, testifying in Olympia before committees, and providing outreach to the public. She also thanked Canadian partners and looks forward to collaborating with them over next several months.

Co-chair Les Purce encouraged the Task Force to celebrate its successes to date and acknowledged the urgency of this issue and the remaining work for 2019. This work is foundational and will be the Task Force’s legacy.
Stephanie introduced Laura Blackmore as the new Executive Director of the Puget Sound Partnership. Laura will be stepping down from her role on the SRKW Steering Committee to assume her new role as a Task Force member (replacing Sheida Sahandy).

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

**UPDATES**

**Orca Health**

Lynne Barre (NOAA) provided an update on the health of the orcas (slides 2-3). Although the birth of the new orca calf is a great sign, there are also signs highlighting the urgency of recovery efforts. Lynne provided three photo examples:

1. **2015:** J-17 is pregnant and looks healthy and robust.
2. **September 2018:** J-17 looks unhealthy with a poor body condition.
3. **Early May 2019:** J-17 has continued to decline and has visible ‘peanut head’; her eye patches are sinking in, due to loss of nuchal fat around the neck.

Lynne acknowledged the research teams that support Southern Resident recovery efforts, including NOAA researchers, The Center for Whale Research, Soundwatch, Canada’s Department of Fisheries and Oceans, and the University of Washington. They are coordinating research efforts to maximize the data available to inform recovery decisions while minimizing impacts to orcas.

Key actions happening in spring/summer 2019 include:
- Reviewing existing information and sample results for J-17 and J-50.
- Ongoing health research, photogrammetry, observations, sampling (prey, feces, breath).
- Ongoing coordination.

**Washington State Ferries – May 28 Whale Strike**

Nicole McIntosh (Washington State Ferries) explained that a Washington state ferry struck a small humpback whale on May 28, 2019. The ferry Wenatchee was going full speed on route from Seattle to Bainbridge Island when the whale surfaced approximately ten feet off the ferry’s bow. The WSF Operations Center had no prior knowledge of whales in the area and WSF is not aware of any prior whale strikes. WSF is working with NOAA to help fund next steps.

**Life After the Task Force**

Gretchen Muller (consulting team project manager) summarized the Life After the Task Force meeting held on May 1, 2019 (meeting packet pages 2-5). The group discussed Recommendation 35: Conduct research, science and monitoring to inform decision making, adaptive management and implementation of actions to recover Southern Residents.
The discussion emphasized keeping the momentum from Year 1 going into Year 2 and beyond. It highlighted the need to include the Year 1 Recommendations not currently being funded/implemented in the Life After the Task Force work plan.

The group discussed the pros/cons of four options for continuing Task Force work beyond 2019:
1. Do nothing.
2. Leverage existing governance structures (PSP could take the lead for the Puget Sound region, but existing structures would need to be identified for the Columbia River and coastal regions).
3. Create a new structure/governing body.
4. Create a hybrid structure (existing governing bodies and new governing body).

Key elements of the Life After the Task Force scope included:
- Communication and public education.
- Monitoring implemented/funded Year 1 Recommendations.
- Moving forward the Year 1 Recommendations not currently implemented/funded.
- Identifying any new recommendations for Year 2.
- Funding efforts beyond 2019.

No formal decision was made during this meeting. The Task Force was asked to review the Life After the Task Force handout in detail. Cascadia will send out a poll for over the summer requesting feedback from the Task Force and present those results during the September and October meetings.

**Climate Change**

Marc Daudon (consulting team) provided an update on climate change as it relates to the Task Force’s work in 2019 and beyond:
1. The Working Group Leads have reviewed the presentations and discussion from the March Task Force meeting, as well as the climate change information captured in the Year 1 Task Force Report.
2. Within their individual Working Groups, the leads are reviewing options for incorporating climate resiliency and adaptation strategies into their respective threat area recommendations.
3. The Working Group leads are collaborating with the Steering Committee on cross-cutting climate change issues and mitigation options that fall outside their three specific threat areas.

Climate change discussions will continue over the summer at the Working Group level. Working Group Leads will bring back options for Task Force discussion and consideration in September.

Emerging themes include:
- The Task Force’s efforts are at risk if we do not incorporate the risks of climate change into our approach to orca recovery.
• The role of the Task Force is to make (1) the links between climate change and orca recovery explicit and (2) calls to action.

Each Working Group is looking at specific resiliency and adaptation opportunities within their threat area:
• **Prey**: fulling funding recovery plans that include climate adaptation and resilience, and changing hatchery management practices to respond to the threat of sea level rise.
• **Vessels**: reducing vessel emissions, trade-offs between reducing emissions through electrification and increased noise that could affect orcas, and opportunities to foster carbon neutrality in port activities and expansions.
• **Contaminants**: how climate change could amplify the impacts of toxics on orcas, stormwater management, releases that could happen due to sea level rise (e.g., landfills previously above water line submerged), and how susceptibility to toxics could change with increasing stress from climate change.

**Framework for Tribal Engagement**

JT Austin (Office of the Governor) has been meeting with Northwest Indian Fisheries Commission to discuss Tribal engagement related to the SRKW Task Force; they will continue to meet over the next year and beyond to address specific areas of interest, issues, and concerns. JT clarified that this process is not a true consultation or government-to-government relationship and defined the following terms:

**Tribal sovereignty**: Federal law recognizes the inherent sovereignty Tribes have over their members and their territory. Tribes have the power to make and enforce laws and to establish courts and other forums for resolution of disputes. This sovereignty comes from within the Tribe itself and existed before the founding of the United States.

**Washington state sovereignty**: Within the federal system, each state is a sovereign entity and has governmental power (except to the extent the states have agreed in our constitutional framework to the supremacy of federal laws and treaties).

**Trust responsibility**: The United States has a legally enforceable obligation to (1) protect Tribal self-determination, (2) protect Tribal lands, assets, resources, and treaty rights, and (3) carry out the directions of federal statutes and court cases.

**Government-to-government relationships**: State agencies must make reasonable efforts to (1) collaborate with Tribes in the development of policies, agreements, and program implementation that directly affect Tribes and (2) develop a consultation process that is used by the agency in issues involving specific Tribes.

**Consultation**: Consultation is an enhanced form of government-to-government communication that emphasizes trust and respect. It requires a shared responsibility that allows an open and free exchange of information and opinions among parties that leads
to mutual understanding and comprehension. Consultation is undertaken with a desire to reach mutually agreeable decisions that acknowledge the broad interests within the state, while recognizing agreement cannot always be reached.

**Co-management:** Washington salmon and steelhead fisheries are managed cooperatively in a unique government-to-government relationship between the state of Washington and Tribes, whose rights were established in treaties signed with the federal government in the 1850’s. A 1974 federal court case (US v WA – Boldt decision) reaffirmed the Tribes’ rights to harvest salmon and steelhead and established them as co-managers of Washington fisheries.

JT welcomed Tribal members of the Task Force to provide feedback:

- G.I. James (Lummi Nation) emphasized the importance of recognizing Tribal sovereignty. He urged the Task Force to recognize that the orcas are in crisis. He noted that the Task Force has a responsibility to inform governing bodies (1) why this issue is important, (2) which legislative actions or funding are essential to orca and salmon recovery, and (3) the consequences of inaction. The Task Force should focus on measurable actions, considering climate change and impending population growth.

- Dave Herrera (Skokomish Tribe) encouraged the Task Force to support Tribal treaty rights as a powerful tool for recovering Chinook salmon and orcas.

- Amy Trainer (Swinomish Tribe) explained that the Task Force must put aside political will and address the issue from the perspective of what the fish need to recover (e.g., the 2005 Skagit River Chinook Recovery Plan, co-written by the Swinomish Tribe and WDFW).

- Chairman Leonard Forsman (Suquamish Tribe) noted that Tribes have a spiritual-cultural relationship with the orca. It is best for Puget Sound if both Tribal fishing culture and Southern Residents are preserved for future generations. This Task Force has been effective because multiple interests are in the room at same time, discussing multiple issues, rather than in silos.

Phil Anderson (Pacific Salmon Commission) noted that for about ten years following the US v WA Boldt decision, there was a lack of recognition by the state on the role of Tribes as co-managers. The state now recognizes that a healthy co-manager relationship with Tribes is the fundamental cornerstones of natural resource management. Successful co-management is not easy, but the rewards are huge.

**JT will continue meeting with Tribes to discuss the concept of a “crisis-team” and a framework for consistent, robust, and solution-oriented engagement.** Stephanie Solien thanked Tribal partners for their important words and for being at the table to work with and advise the Task Force. The Task Force will do its best over the next several months and in its final recommendations to emphasize the urgency of this crisis.
STATUS OF TASK FORCE YEAR 1 RECOMMENDATIONS

Legislative Update

JT Austin (Office of the Governor) provided an update on the orca-related bills that passed in the legislature (slide 5):

- **2SSB 5577: Reduce vessel noise and disturbance.**
  - Unlawful to approach or fail to disengage transmission of a vessel within 300 yards of a Southern Resident.
  - Unlawful to position a vessel behind Southern Residents within 400 yards.
  - Unlawful to exceed seven knots at any point located within one half of a nautical mile of a Southern Resident.
  - WDFW directed to implement a commercial whale-watching license.

- **ESHB 1578: Oil transportation safety.**
  - Requires a tug escort in Rosario Strait and connected waterways to the east for oil tankers, articulated tug barges, and certain towed waterborne vessels beginning in 2020.
  - Directs the Board of Pilotage Commissioners in consultation with Ecology to adopt tug escort rules by 2025 and requires them to periodically consider the effects of adopted tug escort rules and vessel traffic pattern changes and whether to update tug escort rules.
  - Directs Ecology to develop and maintain a model to assess oil spill risks in WA waters and the oil spill risk reduction potential of an emergency response towing vessel serving waterways near the San Juan Islands.

- **SSB 5135: Toxic pollution prevention.**
  - In consultation with DOH, Ecology must identify priority consumer products that are significant sources of or use priority chemicals.

- **SB 5918: Whale-watching guidelines in boating safety education program.**
  - Requires WA State Parks’ to include educational materials on whale-watching guidelines and other voluntary and regulatory measures related to the whale-watching program in its boating safety education program.

- **2SHB 1579: Increase Chinook and other orca prey abundance.**
  - Directs WDFW to liberalize the catch limits for bass, walleye, and channel catfish to reduce the risk to salmon smolts.
  - Directs WDFW to first seek voluntary compliance from a hydraulic project proponent if a violation of the hydraulic code has occurred or is about to occur.
  - Authorizes WDFW to offer technical assistance to correct violations and issue (1) notices of correction, (2) notices of violation, (3) stop-work orders when there is a severe violation or a deviation that may cause significant harm to fish life, or (4) notices to comply when immediate action is needed to avoid more than minor harm to fish habitat.
  - Authorizes WDFW to apply for an administrative inspection warrant to verify compliance, or if there is a probable cause to believe a violation is occurring or has occurred.
- Authorizes WDFW to disapprove applications for up to one year or until all penalties and notices are paid and complied with.

**Budget Update**

Jim Cahill (Office of Financial Management) provided an update on Recommendation 34 (provide sustainable funding for implementation of all recommendations.). Refer to slides (6-7).

**Working Group Updates**

Each Working Group reviewed the Year 1 recommendations related to their threat area and ranked progress as follows (slide 8):
- **(green)** = All pieces of recommendation are moving forward.
- **(yellow)** = Some pieces of recommendation are moving forward.
- **(red)** = Nothing happening yet; not on track.
- **(purple)** = Nothing happening yet; still on track.

The Working Group Leads provided an update on their respective threat area (meeting packet pages 6-27):

- **Goal 1: Increase Chinook abundance.** Penny Becker (WA Department of Fish & Wildlife, Prey WG Lead) provided an update on the prey-related Year 1 Recommendations 1-16. Refer to slides 9-34.
- **Goal 2: Decrease vessel and noise disturbances.** Todd Hass (Puget Sound Partnership, Vessels WG Lead) provided an update on the vessels-related Year 1 Recommendations 17-28. Refer to slides 35-52.
- **Goal 3: Reduce exposure of orcas and their prey to contaminants.** Derek Day (WA Department of Ecology, Contaminants WG Lead) provided an update on the vessels-related Year 1 Recommendations 29-33. Refer to slides 53-61.
- **Goal 4: Ensure funding, information, and accountability mechanisms are in place to support effective implementation (slide 62).**
  - **Recommendation 35:** Conduct research, science, and monitoring to inform decision making, adaptive management and implementation of actions to recover Southern Residents.
    - Laura Blackmore (Puget Sound Partnership) noted that PSP had funding in their budget to kickstart modeling the Year 1 Recommendations (not under future population growth scenarios). PSP is working with Long Live the Kings and co-managers to analyze harvest and hatchery recommendations. The final budget includes $2.2M to do additional science and monitoring; PSP is creating a process with their science panel to award those funds.
  - **Recommendation 36:** Monitor progress of implementation and identify needed enhancements. $682K provided.
JT and Jim provided additional information on Recommendation 9 (establish a stakeholder process to discuss potential breaching or removal of the lower Snake River Dams for the benefit of Southern Resident orcas):

- On 6/5/19, the Executive Team (Chief of Staff, Deputy Chief of Staff, Policy Director, Budget Director, Communications Director) will meet to discuss options/framework for the stakeholder process.
- This process is not a decision place for breaching; it is a forum for local, state, tribal, and federal leaders to address concerns associated with the possible breaching or removal of four lower Snake River Dams.
- The final budget divides $750K equally over two years for a neutral, facilitated process to bring together the stakeholders that will be impacted if the federal process results in breaching the dams.
- The Governor’s Office has been given exemption from competitive procurement laws to find the third-party facilitator to expedite this process. No firms have been selected yet. Funding will be available in July 2019.

**FISHBOWL: STATUS OF TASK FORCE YEAR 1 RECOMMENDATIONS**

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

1. Based on the update you’ve heard, what recommendations are you most concerned about (those that are not being implemented, funded, etc.)? How should the Task Force approach these in Year 2?
2. Are there new topics or issues you think should be sent to Working Groups or a group of other experts to develop into potential new recommendations for Year 2?

**Prey**

Jacques White (Long Live the Kings):
- Include four parameters for enhancing salmon production and recovering stocks (Recommendation 1): (1) abundance, (2) location, (3) size, and (4) timing.
- A dedicated funding source for the ESA-listed salmon is needed.
- Revisit Recommendation 12 to determine how to find funding to keep it moving forward, perhaps in the supplemental legislative session.

Mark Doumit (Washington State Forest Protection Association):
- Focus on a watershed approach to getting fish into the best habitat available through passage barrier removal.
- Explain to the Transportation Committees why culverts are so important.

Ron Shultz (Washington State Conservation Commission):
- Work with legislative partners to better understand the budget situation (e.g., what is available for funding, funding capacity limitations, revenue limitations).
- Identify a dedicated revenue stream for sustainable funding.
Mayor Will Hall (City of Shoreline):
  • Extend Recommendations 3 and 4 to ensure habitat protection regulations and enforcement at the local level (city/county) are as supportive as WA state’s.

Amy Windrope (WA Department of Fish & Wildlife)
  • Need long-term, sustainable funding sources to continue critical investments in (1) habitat restoration, (2) habitat protection, (3) technical assistance (4) the Washington Conservation Commission’s Conservation Reserve Enhancement Program (CREP), and (5) RCO’s work.
  • Further explore pinniped predation.
  • Consider a Crisis Task Force; the “Life after the Task Force” options as presented do not seem adequate and need further discussion.

Joe Gaydos (SeaDoc Society):
  • Work with Canadian partners to review available science and develop models to determine whether the money, time, and energy investments will sufficiently bring back salmon (for example—can we increase salmon by 15%? can we decrease noise by 50%?).
  • Keep pressure on these metrics and analysis, including around pinnipeds.

Mindy Roberts (Washington Environmental Council):
  • Work directly with the legislators on the SRKW Task Force to develop a concrete funding plan moving forward.
  • Track progress on Year 1 recommendations at the individual action/sub-bullet level; specifically, the Prey Working Group should add specificity (implementation details) to Recommendation 11.

Phil Anderson (Pacific Salmon Commission):
  • Additional specificity is needed on Recommendation 11. Acknowledge the Pacific Fisheries Management Council’s ongoing actions, such as putting bycatch measures in place, real-time reporting, new net configurations, salmon excluders, lights on head ropes, different technologies being used, ceilings on salmon catch.
  • The PSC’s Southern Resident work group has several subject matter experts helping build a risk assessment tool by November to ascertain the number of Chinook present in federal water fisheries and their temporal distribution.
  • The green/yellow status of Recommendation 10 requires further discussion.

Lynne Barre (NOAA):
  • Federal actions complement Task Force Recommendations, for example Southern Residents were included along with salmon in the Pacific coastal salmon recovery funding proposals this year as a “species in spotlight”.

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Contaminants

Mindy Roberts (Washington Environmental Council):
- Funding for Recommendation 31 should target stormwater, which is the largest source of toxics in Salish Sea.
- Continue the Contaminants Working Group conversations on hotspots.
- Prioritize recommendations by importance to salmon survival (contaminants-prey crosswalk).

Kelley Balcomb-Bartok (Pacific Whale Watch Association):
- Transient Killer Whales have toxin levels equal to or higher than Southern Residents, but they are thriving because they have sufficient prey (harbor seals and sea lions).

Vessels

Kelley Balcomb-Bartok (Pacific Whale Watch Association):
- Recommendations should focus on larger vessels, private vessels, and shipping traffic.
- Improve consistency and transboundary coordination between the U.S. and Canada.
- Look into broad use of a Whale Report Alert System (WRAS).

Brendan Flynn (commercial fishing industry):
- Assess the noise levels created under water by large, high-speed ferries and whale-watching tour boats travelling at high speeds in the San Juan Islands. Kelley Balcomb-Bartok agreed.
- Todd Hass (Puget Sound Partnership – Vessels Working Group Lead) would like to have the Vessels Working Group tie this recommendation together with the large, high-speed passenger ferries in mid-Puget Sound.

Lynne Barre (NOAA):
- Education and outreach for local and visiting boaters is important.
- Build upon existing regulatory and voluntary actions.
- Coordinate with Canada’s technical work group on sanctuaries.

Donna Sandstrom (The Whale Trail):
- Revisit Recommendation 28 (suspend viewing of Southern Resident orcas).
- The PWWA should voluntarily not watch Southern Residents in Washington waters.
- Work with the legislature again in September to educate them about the impacts of noise disturbances on Southern Residents.
- Kelley Balcomb-Bartok requested including recreational boats in these conversations.
- Address three emerging concerns: (1) the U.S. Navy’s plan to expand testing in the Salish Sea and on the Olympic Coast; (2) Kitsap County’s operation of up to five high-speed
ferries, which poses significant risk to orcas (especially from October through February); (3) expanding and adopting the B.C. Cetacean Sightings Network, which alerts professional mariners to the presence of whales, in U.S. waters.

Nicole McIntosh (Washington State Ferries):
- WSF received funding to conduct a baseline study of its ferry fleet noise to establish noise reduction goals and plans, as outlined in Recommendation 23.

Mindy Roberts (Washington Environmental Council):
- Work with Canada on Recommendation 26 to align messaging to boaters and bring U.S. and Canadian enforcement frameworks together; “when in doubt, 400 yards out.”
- Improve progress on Recommendation 25 and make a recommendation around Navy sonar and explosive devices during the open EIS comment period.
- Kelley Balcomb-Bartok requested this letter reference the effects of the USS Shoup in May 2003; Ken Balcomb can provide data and visuals.

Co-chair Stephanie Solien explained that the Governor will be submitting a comment letter on the Navy’s testing exercises in conjunction with state agencies. Co-chairs will work with the Office of the Governor to include concerns regarding this testing on Southern Residents. She thanked the members of the Navy who continue to participate in the Vessels Working Group meetings.

Individual Working Groups will work on the topics discussed in this fishbowl over the summer and bring back options for Task Force consideration during the September meeting.

TRIBAL CAUCUS REPORT OUT

Dave Herrera (Skokomish Tribe) emphasized the significance of sovereignty, treaty rights, trust responsibility, and co-management. Several Task Force recommendations are clearly co-manager issues; for example, Recommendation 6 (significantly increase hatchery production and programs to benefit Southern Resident orcas consistent with sustainable fisheries and stock management, available habitat, recovery plans and the Endangered Species Act. Hatchery increases need to be done in concert with significantly increased habitat protection and restoration measures).

Tribal representatives were disturbed by the number of comments on this recommendation calling into question the co-managers’ abilities and need for oversight. Dave asserts that the co-managers are the fisheries experts and he does not see calls for oversight on any other groups. In addition to Recommendation 6, Task Force recommendations around harvest issues (bycatch) and pinniped management (treaty/trusted resource) should be addressed to the co-managers to
move forward and implement, instead of the Working Groups. The co-managers will provide written comments on Recommendations 3, 4, and 5.

Chairman Leonard Forsman (Suquamish Tribe) highlighted the importance of providing more food, clean water, and better ecosystem management for the orcas in a way that respects tribal sovereignty, the Tribes’ role as co-managers, and efforts at government-to-government consultation.

JT Austin (Office of the Governor) proposed that Tribes meet with the Governor’s Office and with WDFW to (1) review the Task Force recommendations, (2) identify the tasks that are more appropriate for co-management decision, and (3) report back on these discussions during the September Task Force meeting. Dave Herrera and Chairman Forsman supported this proposal.

TRANSBOUNDARY EFFORTS: CANADA

Susan Gulick (facilitator) introduced three guest speakers who presented on Canada’s ongoing Southern Resident recovery efforts:
- John Wilson (Transport Canada, Marine Safety and Security)
- Jeff Pelton (Transport Canada)
- Corey Jackson (Canadian Department of Fisheries and Oceans)

Transport Canada works closely with other government partners like the Canadian Department of Fisheries and Oceans (DFO), Environment and Climate Change Canada, and Parks Canada on the $1.5B Ocean Protections Plan (OPP). Within this plan, there is a $167M Whales Initiative, created to protect and support the recovery of Canada’s endangered whale populations, including Southern Residents. Refer to pages 29-31 of the meeting packet for further details.

Vessels

Immediate protection and recovery measures were announced by the Government of Canada on May 10, 2019. The interim order under the Canada Shipping Act requires increasing minimum approach distance between vessels and Southern Residents to 400 meters. The Canadian government can authorize an exemption to whale watching companies for non-Southern Resident whales. Three interim sanctuary zones are shaded in yellow on the map (meeting packet page 31). Under the interim order, Canada is testing the effectiveness of sanctuaries, which prohibit vessels from entering key foraging areas.

Voluntary vessel measures include (1) turning off echosounders when not in use and (2) turning engine to a neutral idle if a whale surfaces unexpectedly within the 400-meter approach distance. Enhanced management areas are shaded in blue on the map (meeting packet page 31). These are voluntary “go-slow” bubbles; small vessels slow down to seven knots within 1000
meters of killer whales. Transport Canada is working with the existing ECHO program, led by the Vancouver Fraser Port Authority, focusing efforts on large commercial ships. Vessels voluntarily slow down to 11.5 or 14.5 knots (based on vessel types) in the Haro Strait and Boundary Pass.

Last year Canada piloted a lateral displacement research trial, asking vessels to stay as far south as possible in the outbound lane of the Strait of Juan de Fuca and in-shore zone between traffic separation scheme in Vancouver Island. Due to safety concerns with changing traffic patterns, Canada will not continue this pilot. However, they are asking tug and barge traffic to continue to voluntarily stay to south of the in-shore zone, as this resulted in about a four-decibel reduction in received level of noise along the coast of Vancouver Island.

Canada will continue to monitor and measure outcomes for all recommendations to adaptively managing going forward.

**Prey**

On April 16, 2019, the Minister of Fisheries & Oceans announced restrictions on commercial, recreational, and indigenous fisheries’ harvest of Fraser River Chinook. The pink crosshatch sections of the map (meeting packet page 31) indicate key Southern Resident foraging areas that will close in 2019 to recreational and commercial fisheries after the conservation restrictions for Fraser River Chinook are lifted. The intent of these restrictions is to (1) reduce fishing competition for Chinook in key foraging areas and (2) reduce physical and acoustic disturbance associated with fisheries in areas Southern Residents are likely to be feeding.

Designated “Fishery Avoidance Zones” have been created in key foraging areas. If recreational and commercial harvesters believe they are in the vicinity of a killer whale, they should cease fishing, pull their gear, move engine to neutral idle, and stop fishing. Commercial harvesters are asked to do the same where practical.

The Chilliwack River Hatchery is producing one million new Fraser River Chinook smolts this year, anticipating 30,000-35,000 additional returning adults available in the offshore area for Southern Residents.

Long-term threat areas include: (1) salmon habitat protection and restoration, (2) forage fish for Chinook, and (3) pinniped predation. Opportunities for collaboration with the U.S. include: (1) further aligning measures where possible and practical, (2) education and outreach, and (3) ongoing research, monitoring, and evaluation.

**Discussion**

Susan opened the floor to the Task Force for follow-up questions and discussion:
Donna Sandstrom (The Whale Trail) asked how Canada plans to enforce the vessel measures and to what extent the U.S. and Canada can collaborate on enforcement?

- The enforcement component is in a mature draft stage and involves:
  - Focusing on public education first.
  - DFO enforcement of regulatory regime (0-200-meter boundaries).
  - Canada Shipping Act (200-400-meter boundaries and interim sanctuary zones).
  - Developing an on-water enforcement team with support from DFO.
  - Aerial surveillance.

Lynne Barre (NOAA) asked for more detail on the agreement with the whale-watchers.

- Canada has signed a conservation agreement with the ECHO program, Chamber of Shipping, cruise lines, and other commercial operators outlining a minimum five-year commitment to continue voluntary practices, monitor and measure outcomes, adapt, and report on findings.
- A similar agreement exists between the Ferry Operators Association and B.C. Ferries. Canada provided the whale-watching industry a conditional 200-meter allowance to watch non-Southern Residents based on feedback received during the public comment period and differences in health among whale types.

Amy Windrope (WA Department of Fish and Wildlife) asked whether the Canadian task force has developed benchmarks (e.g., 15% increased prey, 50% reduction in vessel noise)?

- Benchmarks are part of an ongoing discussion with the prey technical working group and an important area for further collaboration.
- Transport Canada does not have the expertise in-house to comment on what the vessel measures may be doing on orca recovery; as such, their focus has been on quantifying the threat reduction. Modeling may be able to demonstrate the benefits of reducing these impacts.

Mindy Roberts (Washington Environmental Council) asked how Canada is considering oil spill risk and prevention?

- Transport Canada has regime oil spill response and oil handling facility regulations and works closely with the Coast Guard. These regulations were created in the 1990’s in the wake of large oil spills; Canada is working through a collaborative process with stakeholders to update these regulations.
- The Western Canada Marine Response Corporation is the recognized response organization on the coast and are looking into faster response methods in the event of an oil spill.

George Harris (Northwest Marine Trade Association) asked how difficult it was to agree on closing fisheries in the sanctuary zones?
• It was extremely challenging. They went smaller in scope on the sanctuary closers in light of the Fraser River closures. There were detailed and lengthy discussions with commercial, recreational, and indigenous fisheries.
• They arrived at this suite of measures from a much longer list; the people who have been impacted have participated in the decision-making process for over a year. Canada will continue to monitor and benchmark to limit impacts on these groups as much as possible.

Maia Bellon (WA Department of Ecology) offered to have a dialogue with the Canadian team to discuss Washington’s Emergency Spill Preparedness, Prevention, and Response Program (e.g., emergency tugs, how they are funded, industry-pays funding, joint funding opportunities).

Kelley Balcomb-Bartok (Pacific Whale Watch Association) asked whether PWWA is working closely with Canada and trying to do what is best for whales?
  • PWWA has been at the table all along and willing to do what is right for the whales.

**POPULATION GROWTH AND ITS THREATS TO SOUTHERN RESIDENTS**

Susan Gulick (facilitator) introduced the panel of four speakers who presented on population growth and development as it relates to Southern Resident recovery:

Mayor Will Hall (City of Shoreline) presented an overview of potential growth impacts on orcas (slides 64-80).

Mark McCaskill’s (Washington Department of Commerce, Growth Management Services) provided an overview of Washington’s Growth Management Act (GMA).
  • While Commerce provides tools and technical assistance to local governments, it does not certify, approve, or regulate comprehensive plans.
  • The GMA is anti-sprawl: urban areas become more urban, while resource lands and rural character are preserved.
  • The GMA requires all cities and counties to protect critical areas; it does not require recovery.
  • Commerce works with local jurisdictions set baselines and use adaptive management to protect critical are functions and ensure no net loss.

Paul Inghram (Puget Sound Regional Council, Director of Growth Management) provided a summary of PSRC’s Vision 2050 (slides 81-98).
  • Co-chair Stephanie Solien asked how PSRC implements the regional open space plans?
  • Paul responded that PSRC does not have a regional funding source or land use authority to protect open space. As a result, each county has separate programs (e.g., farm, open space, forest preservation) and PSRC pulls their information together to create an open
space network. The task force that created the plan included state and federal agencies and Tribes.

Jeff Davis (Washington Department of Fish and Wildlife) presented on the **impacts of population growth on Washington’s fish and wildlife** (slides 99-109).

**FISHBOWL: POPULATION GROWTH AND ITS THREATS TO SOUTHERN RESIDENTS**

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

1.) Given what we’ve heard, do our existing recommendations adequately address future population growth?

2.) If there are gaps, what should the Task Force do:
   - Develop new recommendation(s)?
   - Highlight or advocate for existing recommendations?
   - Other?

3.) What issues or topics should be sent to Working Groups (or a group of other experts) to discuss? Options for potential recommendations could be brought to the Task Force for consideration at the September Task Force Meeting.

Jacques White (Long Live the Kings):
   - The Task Force should consider how to set goals that specifically include restoration objectives.

Maia Bellon (WA Department of Ecology):
   - Develop high-level goals around growth that includes salmon habitat recovery and enhancement.
   - Puget Sound Partnership could set up a structure and framework for coordination to develop a watershed scale approach.
   - Laura Blackmore (Puget Sound Partnership) noted that PSP works with the watershed scale groups in Puget Sound, which all have salmon recovery plans in place. PSP has received about one fourth of the funding needed to update those strategies, with a focus on developing quantitative goals. Laura proposed working with RCO to develop a statewide approach based on modeling the Puget Sound.

Ron Shultz (Washington State Conservation Commission):
   - Evaluate why GMA and critical area ordinances have not achieved their goals or been fully enforced, with respect to preserving critical areas and reducing impervious surfaces outside of urban areas.
   - Revise critical area ordinances to include Chinook and orca recovery.
• Improve coordination of habitat acquisition at the local level (counties and watersheds) among land trusts, farmland preservation entities, salmon recovery organizations, and WDFW.

Paul McCollum (Port Gamble S’Klallam Tribe):
• Look to other jurisdictions like New York City to see how they have managed growth effectively.
• Current population growth projections do not account for climate change refugees moving to the area in the future.

Amy Windrope (WDFW):
• Orca recovery and growth management are statewide issues.
• Define “no net loss” more tangibly (for example, establishing a baseline year).
• Prioritize restoring riparian areas to achieve multiple benefits (addressing climate change, pollution, temperature, and Chinook recovery).
• Wait until the Ruckelshaus Center’s comprehensive review of the GMA is released in July before taking next steps.

Kelley Balcomb-Bartok (Pacific Whale Watch Association):
• Explore the linkages between vessel impacts and population growth.

Mayor Will Hall (City of Shoreline):
• Analyze the significance of various growth scenarios on orca health and survival.
• Local jurisdictions need tools and funding to help them plan for growth and use policy levers to achieve defined performance and accountability standards.
• Treat habitat as critical public infrastructure, requiring local jurisdictions to meet ecological performance standards as a requirement for growth.

Mindy Roberts (Washington Environmental Council):
• Develop tactical/strategic crosswalks with salmon recovery goals in light of future population growth.
• Shift from a “no net loss” mindset to a “net ecological benefit” lens.
• Take risks while ensuring that the issues we create in urban watersheds do not come at the cost of those in rural watersheds.
• Convene subject matter experts to help the Task Force identify potential policy levers to address unintended impacts of growth.

Susan then invited the Working Group leads into the fishbowl to discuss next steps:
• Penny Becker (WDFW, Prey Working Group Lead):
Most of the discussion around population growth and development as it relates to prey was around habitat (Recommendations 1-5).

The Prey Working Group will look into overlaying a population growth and development lens onto those recommendations and bring ideas back to the Task Force.

The Prey Working Group may need to bring in additional subject matter experts to accomplish this task.

- Erik Neatherlin (Governor’s Salmon Recovery Office, Prey Working Group):
  - In addition to population growth and development subject matter expertise, it could be beneficial to bring on experts in behavior change/social marketing to tackle this as a “hearts and minds” issue.

- Derek Day (WA Department of Ecology, Contaminants Working Group Lead):
  - Year 2’s charge is addressing emerging large-scale threats that challenge long-term orca recovery.
  - The existing Working Groups are not designed to tackle the multi-faceted issue of population growth and development.
  - Rather than relying on GMA and/or working in silos, the Task Force should develop high level guidance for long-term work, using existing forums (e.g., PSP’s Ecosystem Coordination Board) to coalesce that discussion.

Cascadia will send a follow-up email to the Task Force and Working Groups to identify volunteers for a sub-group interested in shaping a recommendation around net ecological benefit. State agency staff could provide technical support.

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.

Port of Seattle Commissioner Fred Felleman provided an update on the progress of the Enhancing Cetacean Habitat and Observation (ECHO) South Program and hopes to have a stakeholder gathering by fall 2019. They will be working on the Whale Report Alert System (WRAS) in Puget Sound and would like to work with Canada on comparability analysis on the vessel traffic service agreement, considering a Haro Strait tug to complement Washington’s tug in Neah Bay.

Dr. Deborah Giles emphasized (1) the need to make sure we are not flooding the system with hatchery salmon to the detriment of recovering wild salmon; (2) the Pacific Salmon Treaty does not mention Southern Residents; and (3) the issue of bycatch has not been addressed by the Task Force or the state and should be sent back to the Prey Working Group for discussion.
David Bain wants the Task Force to consider: (1) following Canada’s lead in looking at aggressively fishing without place-based rights; (2) budgets for habitat restoration—tap into the wealth that was created through degrading habitat; (3) the failure of the “no net loss” policy to prevent the decline in survival of juvenile salmon; and (4) tires as a source of toxins as discussed during the Salmon Recovery Conference.

Scott Levy (bluefish.org) commented on several Task Force recommendations:

- **#6**: Scott estimates the state will be able to produce about 100,000 more Chinook, based on the increase in hatchery funding.
- **#8**: Last year’s spill increase did not provide a detectable difference in juvenile survival rates and ocean conditions will largely affect their numbers upon their return. He does not anticipate this year’s efforts will move the needle very far.
- **#9**: 1999 EIS process should have recovered the salmon by breaching the lower Snake River dams.
- **#14**: Scott notified the Task Force that the bass fishing tournament on June 24th could be a good opportunity to remove large bass predators from the Columbia River.

Cindy Hansen (Orca Network) is pleased with the progress on Year 1 Recommendations this legislative session but noted that a lot more still needs to be done. She encouraged framing the issue as a crisis during Year 2 discussions.

Lovel Pratt (Friends of the San Juans) noted that Friends of the San Juans appealed San Juan County’s recent Shoreline Master Program (SMP), which Ecology had approved to the Growth Management Hearings Board. Reliance on guidance (versus baseline requirements) and the latitude afforded to communities to develop their own approaches is resulting in a wide range of management systems with varying levels of success.

Robb Krehbiel (Defenders of Wildlife and Prey Working Group) emphasized that “no net loss” should not be the standard we are working towards; instead we should prioritize salmon habitat needs. He proposed four goals for cities managing urban growth: (1) protection, (2) restoration (remove some development), (3) resiliency (especially in the face of climate change and sea level rise), and (4) reimagining green cities. Robb hopes Canadian partners continue to join WA in efforts to recover orcas by opposing oil pipelines and stopping mining in Skagit headwaters.

Cindy Beckett emphasizes the importance of enforcing and educating local development planning staff on regulations. She encouraged enacting regulations into enforceable civil laws.

Whitney Neugebauer (Whale Scout) noted that Whale Scout, Orca Network, and the Salish Sea and Orca Behavior Institute created a scorecard for all recommendations. Whitney quoted David Troutt on Recommendation 1, describing it as using a garden hose to put out a house on fire. She emphasized the importance of turning red, yellow, and purple actions to green. Whitney expressed the need for monitoring and modeling to understand how much impact we are
making towards solving the orca and salmon crisis. She cautioned against dividing up jurisdictions into smaller areas.

Colleen Weiler (Whale & Dolphin Conservation USA) was disappointed to see the Task Force attendees thin out over the course of the day and thanked those who remained for public comment. She reminded the Task Force that the work being done in WA is laying the groundwork for Southern Resident recovery in OR, Northern CA, and Canada.

Alyssa Barton (Puget Soundkeeper) is highly concerned by the federal government’s current efforts to undermine WA’s water quality standards, protective fish consumption rates of 175g per day, and human health criteria. She thanked the Governor’s Office and Department of Ecology for standing up against this rollback and urged them to do everything possible to defend water quality standards and make sure they are implemented and enforced. She supports retrofits for developed areas, riparian buffers that protect against agricultural pollution, and transitioning from a “no net loss” standard to “net ecological benefit”.

WRAP-UP AND NEXT STEPS

Wrap-Up

Co-chair Les Purce thanked everyone for engaging in evaluating the progress to date and the challenges ahead. Some of the hardest work is yet to come, but we must commit to putting public policy structures in place that can make a difference on behalf of the orcas. He appreciates the Task Force’s ongoing commitment to this work.

Co-chair Stephanie Solien encouraged the Task Force to participate in the upcoming Working Group meetings—each Working Group plans to meet twice over the summer. She would like to work with WA mayors, business associations, non-profits, Tribes, and state departments to integrate existing work around population growth and development into the Task Force’s Year 2 recommendations and wants to further explore ways to communicate the urgency of the orca recovery crisis.

Next Steps

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

1. Cascadia will send out a survey to the Task Force to weigh in on options for “Life after the Task Force.”
2. The Working Groups will be breaking out the reporting and status of Year 1 Recommendations by individual actions / sub-bullets. They will bring work forward to the Task Force in September.
3. Cascadia will reach out the Task Force to identify members interested in participating in a Population Growth and Development Sub-Group.
4. The next Task Force meeting will be held in Vancouver, WA on September 9th. The final Task Force meeting of 2019 will be held on the WA coast on October 7th. The Year 2 Report will be due November 8th.