

Southern Resident Killer Whale Task Force Meeting #4: Summary (DRAFT)

August 28, 2018 in Anacortes

Attending:

Task Force members:

Amy Scarton	Washington State Department of Transportation
Amy Windrope	Washington Department of Fish and Wildlife
Commissioner Andy Hover	Okanogan County
Brad Smith	Fish and Wildlife Commission
Brendan Flynn	Commercial fisherman
Butch Smith	Ilwaco Charters
Cecilia Gobin	Northwest Indian Fisheries Commission
Nate Tyler, Chairman Chad Bowechop	Makah Tribe
Dave Herrera	Skokomish Tribe
Debra Lekanof	Swinomish Tribe
Donna Sandstrom	The Whale Trail
Gary Chandler	Association of Washington Business
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
Chairman Arnold Cooper sitting in for Jeff Dickison	Squaxin Island Tribe
Jeff Friedman	Pacific Whale Watch Association
Joe Gaydos	The SeaDoc Society
Kaleen Cottingham	Washington State Recreation and Conservation Office
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
Phil Anderson	Pacific Salmon Council
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)
Laura Blackmore sitting in for Sheida Sahandy	Puget Sound Partnership
Stephanie Solien	Task Force Co-Chair
Terry Williams	Tulalip Tribes
Tom Davis	Washington State Farm Bureau
Trina Wellman	Northern Economics, Inc.
Owen Rowe sitting in for 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:

Cathy Cochrane	Puget Sound Partnership
Derek Day	Washington State Department of Ecology
Eryn Couch	Washington Recreation and Conservation Office
Jim Cahill	Office of Financial Management
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
Steve Martin	Governor's Salmon Recovery Office
Susan Gulick	Facilitator, Sound Resolutions
Todd Hass	Puget Sound Partnership
Tom Laurie	Washington State Department of Ecology

OPENING, INTRODUCTIONS, AND UPDATES

Co-chair Stephanie Solien thanked the Swinomish Tribe for hosting this meeting. Debra Lekanof, on behalf of Chairman Cladoosby and the Swinomish Tribe, welcomed everyone to the meeting and the Swinomish homelands. Ray Harris, Co-Chair of the First Nation Summit and Coast Salish Gathering, gave an opening message. Debra said a prayer for the mother orca and the baby that the mother lost.

Following the Tribal welcome and blessing, the co-chairs gave introductory remarks:

Co-chair Les Purce reported that we have received over 2,000 comments from individuals and organizations expressing their concern around a wide range of issues, including salmon recovery, habitat restoration, and the removal of the Snake River dams. He also said that we have made great progress, with over 60 potential recommendations, and that we need to continue to work to refine all of the actions and identify the ones that are most important for Year 1 while keeping all of the other ones on the table for Year 2. He reported that the Governor's office has extended our timeline for delivering the report by two weeks and we are working to have two more Task Force meetings. Les noted that the survey results are posted on the Governor's website and were used to inform today's agenda. He thanked all of the individuals who have been involved in this process, particularly the people who have been part of the Working Groups.

Co-chair Stephanie Solien said that we are working to move this statewide Task Force around the state to communities that care about orcas and salmon. She thanked the Swinomish for allowing us to be on their land. The Task Force is on a fast timeline that requires patience, rolling up our sleeves, and perhaps spending more time than we all thought we were signing up for. She encouraged Task Force members to look at this as a package after today's discussions and see if we are all making contributions to recover the orcas. She reminded Task Force members of the hopes stated at the first meeting, which included having a holistic, comprehensive focus and making a real difference for the orcas as well as salmon, people, and the ecosystem. She said that we are striving to develop a suite of multiple solutions that are strong, inclusive, bold, concrete, and implementable. Our challenge in the next two months is to get the most urgent actions queued up for immediate implementation by recommending them in Year 1. We are not finished in November and we will have a lot of work left on our plates for Year 2. We will be accepting public comment until the very end of the Task Force decisions and even beyond because we will be rolling right into Year 2 work.

Lynne Barre from NOAA Fisheries was asked to give an update on the status of J-50. She reported that NOAA was able to deliver a dose of antibiotics to J-50 using a dart. They also did a trial with the Lummi to see if live salmon could be used as another way to deliver medicine. The

last sighting of J-50 was on Friday, August 28, when J-50 was still with her family and headed west out of the Strait of Juan de Fuca.

After Task Force members introduced themselves, Susan Gulick, the facilitator, reviewed the agenda and noted that meeting materials are available on the Governor's [website](#). The Task Force approved the August 7 meeting summary.

SURVEY RESULTS AND NEXT STEPS

Nora Nickum, consulting team project manager, laid out the timeline proposed by the Steering Committee to get to a final report by November 16.

The floor was opened for comments and questions on the proposed timeline. Task Force member comments regarding the timeline included:

- Schedule the webinars as soon as possible.
- Try to extend the public comment period to Sunday, October 7, to give the public more time.
- It is politically important for the Task Force to focus on short-term actions that the legislature can act upon in January. Extending the report deadline to November 16 means that it will fall during a month when legislators are fast-tracking legislation.
- Agencies have placeholders in their budgets and need to get their budgets to the Governor's office in mid-September. Agencies have taken a look at the likely things that relate to them and made sure that they are strong in the budget.
- Tribes may want government-to-government consultation with the state on some of the proposed actions and this could impact the schedule. The annual Governor/Tribal Leaders Centennial Accord meeting was noted as a potential opportunity for state/tribal dialogue on this. (Note: The annual Centennial Accord meeting is scheduled for Sept. 24 & 25 at Suquamish.)
- As Task Force members look at the bold actions, they need to be sure to check in with their constituents so that we can reassure the Governor and legislature that these are strongly supported recommendations when they arrive.

The Task Force approved the timeline with the understanding that the Steering Committee would work to schedule the webinars as soon as possible and examine the potential for extending the public comment period to October 7. See attached for the updated timeline.

Other Task Force member comments during this session included:

- Include the social science as well as the physical science to ensure that cultural values are part of the process.

- We need to look at food sources for salmon as well as salmon as a food source for the orcas.
- It would be helpful to have a rough quantification of how many Chinook we are providing to the Southern Residents as a result of our actions, so that we can tell if we are making progress and doing enough.
- It would also be helpful to know how many Chinook we are targeting.
- There is no magical number in terms of the right amount of fish—do better and do more.
- It is important to fully fund and support our agencies so they have the capacity to do the right thing.
- The Task Force should advocate for the Governor to get more funding for increased hatchery production.
- Try to refer to them as Southern Resident orcas, not Southern Resident Killer Whales, to be more respectful.

OVERVIEW OF BREAKOUT SESSION RESULTS AND NEXT STEPS

Task Force members spent three hours in breakout sessions, focused on vessels, predation, and hydropower (other issues will be discussed in the next meeting). All Task Force members had the opportunity to comment on potential actions under all three areas. The discussion guides for these breakout groups are available on the Governor's [website](#).

The breakout group facilitators provided summaries of the outcomes of the day's discussions, as follows:

Hydropower breakout group

- Task Force members listed questions that they need answered in order to make decisions about the potential hydropower actions. Those questions will be sent to the individuals who will be presenting on the webinars in September, and will also be distributed to Task Force members. Task Force members will also be able to ask additional questions during the webinar.
- On Action Hydro F1 (*Remove other hydro and non-hydro dams in locations that most benefit Chinook passage, with several associated options*), Task Force members concurred that the Task Force should consider a recommendation to secure funding for the three dams that have already been prioritized for removal. They also wanted staff to prepare a prioritized list of the dams where removal would most benefit Chinook. Finally, they said that there would not be a Year 1 recommendation about the Chehalis River dam other than to request the SEPA process include impacts to orcas in the options considered to link the Task Force process with the other public process underway in the Chehalis Basin. The Task Force would reconsider it in Year 2 pending information that comes from Chehalis Basin process.

- On Action Hydro G (*Expedite NEPA process for Columbia River operations*, with three associated options), Task Force members talked about this being a federal process and agreed that while it would be a good thing to do, it is not high priority, and therefore can be taken off the list for Year 1.

Vessels breakout group

- The vessels breakout groups had time to discuss six actions.
- Three of the vessels actions that we discussed in the breakout groups had strong support for moving forward in the Year 1 report with only minor modifications. Those were Action #1 (go-slow zone), Action #2 (echo sounders), and Action #3 (limited-entry permit system for commercial whale watching vessels).
 - Action #3 had a sentence on requiring a few quiet days; this was pulled out to be considered as a separate action and it will need to undergo Working Group analysis.
- Action #5 had a #5A option (whale-watching license requirement for recreational boats) and a #5B option (optional \$5 fee). One of the breakout groups supported option #5A, with a fee incorporated. The other two breakout groups supported #5B, with the change that the \$5 fee should be mandatory rather than optional.
- On Action #9 (no-go zone), Task Force members agreed that it would be critical to consult with tribes. Some Task Force members wanted to try to get that process started immediately and others thought it could be done for Year 2 after also looking at the rest of the package to see if this would add a significant benefit. A meeting with the NWIFC is reportedly planned for September.
- On Action #10 (moving bubble around the orcas), one group discussed clarifying language (a 400-yard buffer in front of and behind the orcas, and 200 yards with a 5-knot speed limit on the sides of the whales). Another group wanted to replace this action with one emphasizing education and enforcement of the existing 200- and 400-yard buffer. A third group wanted to double-down on Action #1 instead, noting that speed reduction would create the greatest change from today's baseline.

Predation breakout group

- There was general support for better understanding and/or addressing predation as part of the toolkit. Task Force members felt that if action on predation were to be taken, the decisions about when, where, and how much need to be informed by data and science. The recommendation needs to be specific about where to do predation management or lethal removal and it should be done in a very targeted way.
- A minority of Task Force members were concerned about focusing on predation at all as a management method. They shared their perspective that we don't really know what happens when we mess with how the ecosystem works and pointed to past examples of

removal actions with unintended consequences. There were concerns that wildlife predators could be unfairly targeted to fix the problem when there are other human factors creating the issue that should be addressed. Concerns were also expressed about potential unintentional impacts of predation management to transient killer whales that prey upon pinnipeds like harbor seals.

- Task Force members raised questions about what would happen to the ecosystem if we remove pinnipeds, and whether it would work or not. They pointed to the need for a science or research task. They also wanted to make sure that there would be a decision structure to use the findings to guide an action, and not just collect data for data's sake.
- There was support for organizing the potential predation actions by geography, categorizing them by the Columbia River, and Puget Sound and the outer coast. This is because we have abundant information about pinnipeds and their impact on prey in the Columbia River system to inform near term action, but much less information about the number of pinnipeds, their impact on prey, and the impact of predators (transient orcas) on their population in the Puget Sound and outer coast.
- Task Force members discussed the need for better data to gain approval under the Marine Mammal Protection Act to do lethal removal as well as to address gaps in knowledge, particularly in the Puget Sound and outer coast.
- A minority of Task Force members voiced that they thought that enough information existed to show a predation problem exists in Puget Sound and that further science would slow actions that are needed immediately.
- To address these data needs and expedite decision-making, one group coalesced around the idea of having a Commission—together with a designated agency—manage a rapid process to review the available science and bring back a recommendation.
- The action on removal of haul-outs was determined to be worthwhile but lower tier in terms of impact and due to uncertainty about its effectiveness.
- In some actions that relate to efforts that are already underway, Task Force members asked for clarification about what is new and where we could really add value. This particularly applied to removal or relocation of birds from the Columbia River system.
- Following the predation breakout group report-out, a Task Force member emphasized that we need a measurable outcome in terms of benefit to Southern Residents.

Task Force discussion:

Task Force members indicated a need to discuss in plenary (at a later meeting, when the updated wording is also available) the actions where different breakout groups had significant differences of opinion.

Other Task Force member comments included:

- We need to work with individuals who proposed specific actions to make sure their preferred wording is reflected.
- We need to be really clear about the criteria that we will use as a group to narrow the list to what is being included in the Year 1 report.
- We should set a measurable standard for what we're trying to protect.
- Tribes are looking for a process that delivers outcomes.
- The action on vessel oil traffic should still be on the table.
- Each tribe is a sovereign and government-to-government consultation will be required.
- Fishing isn't the issue.
- Predators are a problem.
- In terms of fishing, we should be talking about the impacts of Alaska and Canada fisheries.
- In the 1960s, there was plenty of everything in our waters. We have to find a way to clean up the environment.

References shared by Task Force members during this session:

- Hillborn et al report on the effects of salmon fisheries on orcas (<https://pspwa.box.com/s/sjkajjdsh6lis7qec4wvzme9jjyz6rfk>).
- Chasco paper about predation (<https://pspwa.box.com/s/psl57o15gni0bstuu29kt7528cq6he2b>).

Next steps

Staff will refine wording on actions or options based on Task Force input from today's breakout sessions and plenary discussion and Working Group input, and with an eye to making them worded as actionable recommendation options.

Per the TF-approved timeline, Working Groups will also identify actions on the list that a) will have immediate benefit to the orcas, or b) need to start immediately to have the greatest benefit to orcas in the future.

Task Force members will receive draft recommendations on September 13 for review and feedback by September 19. After that, the draft recommendations will be updated to reflect Task Force feedback and put in the draft report to be released September 24 for public comment and additional Task Force review.

PUBLIC COMMENT

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

- Stephanie Buffum, Friends of the San Juans, asked the Task Force to consider improving regulatory protection for habitat that is left. She asked the Task Force to stop the illegal construction of shoreline development, recommend a moratorium on all new unnecessary development in critical forage fish habitat and Chinook rearing habitat, and revoke business licenses of contractors who build illegal shoreline armoring structures.
- Janet Thomas gave her two minutes to Dr. Tim Ragen. Dr. Ragen said the number of Southern Residents that we need to watch is the number of females of reproductive age and immature females, and that this is a real emergency. He said that the Task Force should follow the precautionary principle. He asked Task Force members to search their brains for answers and search their souls for courage to take bold actions and try to turn this population around.
- Rob Lewis said we need to do something big and bold and beautiful for the orcas but also for ourselves and our children. He said it is time to take down the Snake River dams.
- Greg Hertel, Commissioner of the Port of Friday Harbor, said that the Port of Friday Harbor is going to ask the International Pacific Fisheries Council to allocate a block of Chinook salmon to be designated for Southern Resident killer whale consumption and asked that the Task Force make this recommendation as well for waters under the influence of WDFW.
- Paul Wagner of the Saanich Nation and Protectors of the Salish Sea said we need to make big and bold changes. He asked if we are standing up strong enough against Kinder Morgan and the dams.
- Chris Wilke, Puget Soundkeeper, said we need to do more to stop pollution of our waterways; he distributed a map of rivers and streams that are failing to meet water quality standards. He said that the potential actions being discussed need more specificity (e.g., to include mention of TMDL and 303d list) and that it is important to plant trees along streams.
- Deborah Giles, University of Washington Friday Harbor, said that the Southern Resident killer whales should be guaranteed an allocation of Chinook and that the whales should be factored into current negotiations. She said that Washington state should protect high-quality cold-water rivers that can support Chinook even as the climate continues to change.
- Giulia Good Stefani, NRDC, said that the actions that hold the most promise but also the most controversy are being relegated to webinars, and that we should go to the difficult spaces where we can have the most impact. She also pointed the Task Force to spill as an action that can be coupled with dam removal to have a near-term strategy.
- Tom Glade, president of Evergreen Islands, read from a 2009 comment letter expressing support for vessel regulations to reduce the impact on the Southern Resident killer whales. He encouraged the Task Force to take desperate actions because we are in a desperate situation.

- Jim Youngren, founder of Long Live the Kings, said we need to listen to J-35 and take care of the salmon. He said that more hatchery production will not solve the problem or save the whales. He said that increasing Chinook survival in the Snake River as fast as humanly possible is the best way to save the orcas.
- Chiara Rose, Pacific Northwest Field Organizer for the Endangered Species Coalition, brought a petition with 25,000 signatures asking the Governor to take action to breach the four Lower Snake River dams.
- Jesse Nightwalker, Palouse Indian Tribe, presented a letter. He said that the orca is a sentient being, one of our relatives in nature. The letter requested that the dams be breached, the time to act is now.
- Michael O'Leary said salmon returns have been dropping in the Columbia River year after year. He said hatchery fish aren't the optimal solution – we need habitat restoration, forage fish, cold water, and spawning habitat, at a fast pace.
- London Fletcher, founder of Blue Advocates, said we should redirect our attention to the Lower Snake River dams, making them inoperable now while preparing to breach them. She said we should focus on areas that will yield increased salmon returns, not predators or vessels.
- Marguerite Papparoana, science advisor to Sea Doc Society, shared a lesson learned from the public health community: the time from data collection to action is typically 20 years. She said we don't have that much time. A disease outbreak provides a window of just a few weeks or months to take bold and urgent action; what's happening now with J-50 and J-35 is the corollary giving us the opportunity for near-term action.
- Michael Weiss, Center for Whale Research, said we're already at carrying capacity for harbor seals in the region. Our data doesn't take into account increased presence of transient killer whales in the Salish sea. Let the transients do what they were built to do.
- Kelly Balcomb said he wished that his children and their children's children could witness the orcas in the Salish Sea. He shared news and magazine articles from 2001-2006 that talked about the problems facing the orcas. He asked how far we'd go for a friend.
- Cedar George Parker, Tsleil-Waututh Nation and Tulalip Tribe, said that the Kinder Morgan pipeline will increase the tanker traffic with the potential to wipe out all of the orcas. He said there's an 87% chance of a spill in the next 50 years. He recommended that we take legal action on the process approved by the Trudeau government.
- Jean Behnke said on Lopez Island there is strong emotional and scientific support for the orcas. A group of Lopez Islanders has created a petition in favor of putting in place a protection zone in Haro Strait on the west side of San Juan Island. She played a recording of the J-pod.
- Ben Bama, San Juan Island resident, said that taking measures to save the orcas will impact people's livelihoods; perhaps we could have state or federal subsidies to support those industries that will be affected. He said the government should do a "shock and awe" campaign of passion and that is in the Task Force's hands.

- Jim Waddell, retired engineer from the US Army Corps of Engineers, shared three handouts including a chart showing salmon returns on the Lower Snake River for the last few years and a chart showing Bonneville Power surplus.
- Mariana Urias said she had been a tour guide for whale-watching around the Baja Peninsula for many years. She said animals aren't there to serve us or entertain us; it is our duty to respect the lives of all individuals living out there. Regulation can't be to accommodate our human needs.
- Fred Felleman, Port of Seattle Commissioner and member of the Vessel WG, said no state permits should be issued that would increase crude oil exports or result in the expansion of the pipeline. He said we need to reduce bycatch of spring Chinook, put in place the Vessel WG actions, consider a moratorium on commercial whale watching, and focus on enforcement of a range of regulations.

There were more than 120 additional members of the public who wanted to make comments but we ran out of time. The public is encouraged to submit comments in writing at www.surveymonkey.com/r/srkwtfpubliccomment.

CLOSING

Chad Bowechop, Makah Tribe, spoke, and Senator Kevin Paul from the Swinomish Tribe sang a song. The co-chairs gave closing remarks.

UPCOMING MEETINGS

Task Force meetings

- Task Force meeting #5: October 18, 9 am to 5 pm, venue likely to be updated to have more space. Also save October 17 for likely additional meeting, also in Olympia/Tacoma area.
- Task Force meeting #6: Sometime between November 1-7, in the Olympia/Tacoma area

Appendix: Updated timeline

Task Force Next Steps

Process approved by Task Force at 8/28 meeting:

(S = Staff responsible for action; WG = Working Group responsible for action; TF = Task Force responsible for action)

Date	S	WG	TF	Action
Sept. 1-13		X		Working Groups will identify for Year 1, based on science: <ul style="list-style-type: none"> What actions will have immediate benefit to the orcas? What actions need to start immediately to have the greatest benefit to orcas in the future?
Sept. 1-13	X			Staff will refine wording on actions or options that received broad support in the survey, based on Task Force and Working Group input.
Sept. 1-30			X	Task Force members will be asked to participate in 3 webinars: (1) Climate change/ocean acidification, (2) Columbia River spill, and (3) Lower Snake River dams.
Sept. 13	X			Staff will distribute draft list of potential recommendations to TF members that includes: <ul style="list-style-type: none"> Working Groups' lists of actions for Year 1 based on the two questions above. Actions refined in 8/28 meeting. Other actions that had broad support in the survey.
Sept. 13-19			X	Task Force members review and comment on list of potential draft recommendations.
Sept. 24	X			Staff will release draft report for Task Force review and public comment . The draft report will incorporate Task Force comments on the draft recommendations and will clearly state that the draft list of recommendations is still under discussion and has not yet been finalized by the Task Force. Actions not included in the Year 1 recommendations will be retained for consideration and refinement in Year 2.
Oct. 3			X	Task Force feedback is due on draft report.
Oct. 7				Public comments are due on draft report.
Oct. 18			X	Task Force meeting to: <ul style="list-style-type: none"> Review public comments on draft report. Finalize proposed Year 1 actions and actions to carry forward to Year 2.
Oct. 24	X			Staff will distribute revised list of draft recommendations on Oct. 24, based on discussion at Oct. 18 TF meeting, for Task Force review and public comment.
Oct. 29			X	Task Force comments and public comments due on revised list of draft recommendations.
First week of Nov (date TBD)			X	Final Year 1 Task Force meeting to: <ul style="list-style-type: none"> Finalize package of recommendations for Year 1 report.
Nov. 16			X	Final Year 1 report is released, including a list of potential recommendations that will be considered and refined during Year 2.