

Southern Resident Killer Whale Task Force Meeting #11: Summary

October 7, 2019 in Seattle

Action items are highlighted in red font throughout.

ATTENDING

Task Force members:

SRKW Task Force Co-chairs	Les Purce, Stephanie Solien
City of Shoreline	Mayor Will Hall
Commercial fisherman	Brendan Flynn
Global Affairs Canada	Bryce Campbell
Long Live the Kings	Jacques White
Lummi Nation	G.I. James
Makah Tribe	Chad Bowechop, Haley Kennard
NOAA	Lynne Barre
Northwest Indian Fisheries Commission	Cecilia Gobin
Northwest Marine Trade Association	George Harris
Office of Gov. Inslee	JT Austin
Pacific Whale Watch Association	Kelly Balcomb-Bartok
Port Gamble S'Klallam Tribe	Paul McCollum
Port of Edmonds	Commissioner Steve Johnston
Puget Sound Anglers	Ron Garner
Puget Sound Partnership	Laura Blackmore
San Juan County	Commissioner Jamie Stephens
Skokomish Tribe	Dave Herrera
Squaxin Island Tribe	Jeff Dickison
Swinomish Tribe	Amy Trainer
The SeaDoc Society	Joe Gaydos
The Whale Trail	Donna Sandstrom
WA Environmental Council	Mindy Roberts
WA State Conservation Commission	Alison Halpern
WA State Department of Agriculture	Dr. Brian Joseph
WA State Department of Ecology	Heather Bartlett
WA State Department of Fish and Wildlife	Amy Windrope
WA State Department of Natural Resources	Kristin Swenddal
WA State Department of Transportation	Kevin Bartoy
WA State Forest Protection Association	Mark Doumit
WA State Parks	Lisa Lantz
WA State Recreation and Conservation Office	Kaleen Cottingham

Staff, Steering Committee, and Consulting team:

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

OPENING AND INTRODUCTIONS

Following a welcome to the wələbʔaltxʷ – Intellectual House at the University of Washington from Cowlitz Tribe member Michael Yates, co-chairs Les Purce and Stephanie Solien welcomed the Task Force, thanked them for their participation, and gave introductory remarks.

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 (refer to [slides](#) 3-8).

OVERVIEW OF DRAFT REPORT

Key Themes and Messages

Gretchen Muller (consulting team project manager) provided an overview of key elements of the draft Year Two report:

- Southern Resident population trends and goals.
- Progress has been made, but Southern Resident orcas are still in crisis.
- Long-term threats imperil orca survival and put orca recovery efforts at risk.
- Task Force recommendations for successful recovery of Southern Residents:
 - Address critical gaps and accelerate progress.
 - Address long-term threats of climate change and population growth.
 - Provide sustainable funding.
 - Continue the mission of Southern Resident orca recovery.

New Recommendations

Gretchen presented the new recommendations proposed to the Task Force for adoption. Refer to "[Adoption of New Recommendations](#)" section below for finalized recommendation language.

CO-MANAGEMENT

JT Austin (Office of Gov. Inslee) thanked the tribal representatives around the room for their honest and open participation in discussions around a path forward that honors the co-manager relationship and authority between the state and tribes. The Governor's Office has proposed working with tribal leaders on a "Joint State-Tribal Natural Resources Policy Council," led by the Governor's Chief of Staff together with tribal leaders. **The Governor will formally designate JT as his representative at meetings with tribal leaders.** The goal of this council would be to bring decision-makers to the table on a regular basis, share expertise, understand cultural and spiritual aspects of natural resource issues, and together tackle the crisis facing salmon and orca in the state. The state and tribes must come together to frame and decide what this path forward will look like. **JT will share a proposed path forward for tribal consideration in advance of the 2019 Centennial Accord Meeting on November 6th and 7th.**

JT asked the Task Force to focus on developing a better understanding of (1) what the co-manager relationship is and (2) tribal treaty rights.

Dave Herrera (Skokomish Tribe) highlighted the importance of co-manager input on any issues related to treaty resources, which includes hatchery planning, harvest, and pinnipeds

G.I. James (Lummi Nation) emphasized that these conversations go beyond co-management and clarified that many tribal societies emphasize outcome-oriented decision-making over procedural decision-making. He underscored the importance of using best-available science to achieve measurable results and holding everyone accountable for making progress.

Chad Bowechop (Makah Tribe) explained that tribal representatives speak from thousands of years of experience interacting with the environment at a spiritual level. He emphasized that treaty rights should protect not only natural resources, but the right for sovereign tribes to retain their cultural identity, values, practices, and traditional knowledge.

Amy Trainer (Swinomish Tribe) credited Dave Herrera (Skokomish Tribe) with framing this discussion as an environmental justice issue: when tribes do not have salmon for subsistence, ceremonial purposes, and to support their economy, treaty rights are violated. She explained that the state and tribes must work together to define political will (which is currently lacking) and address the issue from the perspective of what the ecosystem needs in order to recover (e.g., the [2005 Skagit River Chinook Recovery Plan](#), co-written by the Swinomish Tribe and WDFW).

Jeff Dickison (Squaxin Island Tribe) thanked the tribal leaders for speaking today and thanked JT for asking for everyone's understanding of what we are working on. He emphasized that the government-to-government relationship between the state and the tribes extends beyond the Orca Task Force into the numerous other forums they engage in and the issues brought up today are reflective of the challenges of achieving co-management.

FISHBOWL: DISCUSSION OF NEW RECOMMENDATIONS

Life after the Task Force

Susan Gulick (facilitator) presented an overview of the following options for consideration for Life After the Task Force (based on the Life After the Task Force subgroup discussion):

- **Option 1:** Recommend that an entity be created but leave it to the Governor to select from three proposed options.
- **Option 2:** Recommend one of the following specific options:
 - A. **Expand the capacity and function of the Governor's Salmon Recovery Office to include orca recovery (e.g. Governor's Salmon and Orca Recovery Office).** This option utilizes existing agency infrastructure and is modeled after the existing Salmon Recovery Funding Board model with policy coordination and administration functions within the GSRO, and a policy board comprised of Governor-appointed members and agency heads.
 - B. **Create an executive-level salmon and orca leadership team in the Governor's Office.** This option includes explicit tribal co-manager engagement by the Governor's Office. This option houses the main functions of the policy leadership team within the Governor's Office and maintains an executive-level focus on recovery.
 - C. **Create an Orca Recovery Office led by biologists and technical experts.** This option creates a new office that is staffed to implement actions. This office can be located within the Governor's Office or within an existing agency. The key element of this option is that it is not a stakeholder-led process.

Key points of discussion included:

- Deciding between Option 1 (let Governor choose from 3 options) or Option 2-B (create executive-level salmon and orca leadership team in the Governor's Office).
- Emphasis on dedication to Southern Resident recovery (with salmon recovery as one of many components of this objective), executive level attention, collaboration among state agencies, and stakeholder/public input as keys to the progress achieved to date.
- Remove "led by biologist" from Option 2-C.
- Add "Coordinates with federal agencies in both the United States and Canada to stay connected to ongoing policies around species recovery" as a guiding principle/sub-bullet.
- Change "*Takes direction from a strong yet nimble leadership team with representation from nonprofits, businesses and other stakeholders*" in the guiding principles to

"Continued engagement from non-profits, businesses, and other stakeholders to monitor implementation of existing recommendations, consider new recommendations, and recommend course corrections for continued recovery."

Susan then took a straw poll:

- 12 Task Force members voted in favor of Option 1.
- 7 Task Force members voted in favor of Option 2.

Option 1 moved forward as part of the Year Two recommendation package for the formal vote/approval.

Population Growth

Susan Gulick (facilitator) presented an overview of the new population growth and development recommendations for Task Force consideration. Key points of discussion are summarized under each recommendation below:

- *Adopt and implement policies, incentives, and regulations to minimize the impact of growth on critical habitat and sensitive ecosystems; enable and channel population growth in ways that results in net ecological gain.*
 - Replace "to minimize the impact of growth on" with "for future growth and development to prevent any further degradation of."
 - Add "evaluate and report outcomes for all jurisdictions at the state, county, tribal, and municipal level."
- *Minimize potential collision risks posed by (and underwater noise from) the growing number and spatial distribution of fast-ferries and water taxis serving commuters in central Puget Sound.*
 - Add "Conduct a comprehensive environmental review and take action to" to the beginning of recommendation.
 - Change potential "collision" risk to "whale strike" risk. Change "(and underwater noise from)" to "and underwater noise posed by." Remove "spatial." Change "serving commuters in central Puget Sound" to "in Southern Resident critical habitat."
 - Add the following sub-bullets:
 - Federal and state agencies with the appropriate jurisdiction should coordinate and conduct the comprehensive environmental review.
 - WA State ferries should work with operators of fast ferries and water taxis to determine and implement effective actions.
 - Engage WA Maritime Blue in technology and innovation solutions.

Nutrients

Heather Bartlett (WA Department of Ecology) presented an overview of the new nutrients recommendations for Task Force consideration. Key points of discussion are summarized under the recommendation below:

- *Develop a National Pollutant Discharge Elimination System (NPDES) permit framework for wastewater treatment in Puget Sound.*
 - Add the word "advanced" before wastewater treatment.
 - Add "to reduce nutrients in wastewater discharges to Puget Sound by 2022."
- *Better align existing nonpoint programs with nutrient reduction activities and explore new ways to achieve the necessary nonpoint source nutrient reductions.*
- *Collect high-quality, nutrient data in watersheds to fill key knowledge gaps of baseline conditions.*

Contaminants

Susan Gulick (facilitator) presented an overview of the new contaminants recommendations for Task Force consideration. The Task Force did not request any changes to the language below:

- *Protect against regulatory rollbacks at the federal and state level.*
- *Explore setting minimum standards for local stormwater funding to ensure that all programs have the resources necessary to protect water quality.*

Climate Change - Vessels

Kevin Bartoy (WA State Ferries) proposed modifying the vessels-related climate change recommendation from "*Provide leadership to reduce emissions and noise from vessels to benefit Southern Resident orcas*" to "*Expand the Governor's Maritime Blue scope of work and provide funding to implement recommendations from the Orca Task Force and pursue shipping and other maritime innovations that benefit Southern Residents.*" This new language was originally proposed as an additional component of Task Force Recommendation 22.

Vessels

Mindy Roberts (WA Environmental Council) requested the strikethrough/bolded changes below to the urgent action around Recommendation 25:

- The Governor's Office and State agencies should coordinate with NOAA and the Navy to reduce noise and disturbance affecting Southern Resident orcas from military exercises and Navy aircraft. In particular, the final ~~rule~~ **decisions** around training and testing activities conducted in the Northwest Training and Testing Study Area between November 2020 and November 2027 should ~~incorporate enhanced mitigation measures to reduce or eliminate impacts from new or increased exercises involving midfrequency sonar, explosives and other activities with the potential to adversely affect Southern~~

Resident orca recovery or **incorporate enhanced mitigation measures to reduce impacts.**

- Todd Hass (Puget Sound Partnership - Vessels Working Group Chair) clarified that the stronger wording may limit the Navy's ability to focus on its primary mission of national security.

Kristin Swendall (WA Department of Natural Resources) requested that the bolded language below be added to the additional component of Task Force Recommendation 27:

- Help ensure that the State Environmental Policy Act (SEPA) review of marine facilities is routinely applied to standard and atypical changes in use, ownership, etc. that may lead to increased vessel traffic or unusual vessel traffic dynamics. **Provide tools for local and state governments to identify potential impacts and recommend appropriate mitigation measures.**

ADDRESS FROM GOVERNOR JAY INSLEE

Governor Jay Inslee dialed into the Task Force meeting and thanked the Task Force for their remarkable degree of passion and dedication to working together for the Southern Resident orcas. He expressed appreciation for the Task Force's work over the last few months, recognizing this group has faced challenges together along the way.

Gov. Inslee extended an additional thanks to the tribes for their participation and for bringing their knowledge, insight, and expertise to these discussions. He acknowledged that engaging directly with the tribes—government-to-government—is the next step in this process. He also thanked the co-chairs for bringing people together to the table to address the diversity of issues we need to work on. The governor emphasized that we are stronger together and must work collaboratively to reach our goals.

The governor reminded the Task Force that during this time last year, we saw Tahlequah carrying her calf. Since then, the commitment among Washingtonians has become more obvious, clear, and universal. The work of the Task Force is reflected everywhere in the state—from Port Angeles to Friday Harbor—unifying Washingtonians in their commitment to orca recovery efforts.

Gov. Inslee noted that the proposals his office has received are significant and will continue to lead to results on the ground. He especially supports bolstering salmon habitat protection. He acknowledged that he was criticized for increasing funding for culverts but believes removing culverts is essential for salmon recovery.

The governor thanked everyone for their hard work, recognizing there is still much left to do. He hopes everyone takes pride in this effort as they continue to work together.

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.

Fred Felleman (Port of Seattle Commissioner) said the Ports of Seattle and Tacoma will continue to pursue the ECHO program to reduce the noise that whales are being exposed to and partner with Maritime Blue.

Lovel Pratt (Friends of the San Juans) supports the goal of increasing habitat protection by shifting from no net loss to net ecological benefit. She urges regulatory requirements, policies, and incentives to include this language. She would like to see oil spill prevention included in Maritime Blue's scope of work.

Cindy Hansen (Orca Network) emphasized the importance of public engagement in whichever 'life after the Task Force' option the governor chooses. She believes the public education and outreach components are crucial and encourages the Task Force to focus on the things we agree on moving forward and to have concrete conversations that lead to bold actions.

Robb Krehbiel (Defenders of Wildlife) expressed his support for Option 2B for 'life after the Task Force.' He emphasized the importance of co-creating this entity with tribal input and leadership. He encourages the Task Force to spend more time defining 'net ecological growth' and its goals (e.g., incentivizing the restoration economy in Washington state). He reminded the Task Force that protection alone will not achieve recovery; we must also reclaim what has been lost. Finally, he emphasized that funding these efforts is extremely important and urged the state to double down on its funding commitments in progressive way.

Amanda Colbert asked the Task Force to bring the communities fractured over the past two years together under one umbrella – focusing on the same goal of avoiding Southern Resident extinction.

Tim Trohimovich (Futurewise) supports the recommendations related to population growth, focusing on where and how we accommodate future growth.

Jerry Joyce emphasized the need for a comprehensive adaptive management monitoring program to understand and adjust to ecosystem changes.

Deborah Giles (UW Center for Conservation Biology) noted that the Southern Residents have evolved over hundreds of years to eat large, abundant fish (Chinook). Humans have significantly altered every ecosystem the whales and Chinook depend on in the past 100 years, at a rate faster than these animals can keep up. The orcas do not eat marine mammals because they did not evolve to eat them. They are also culturally bound to eat the largest fish. She encourages the

state to consider Southern Residents as a major stakeholder—allocating them fish while honoring tribal treaty rights.

Dave Bain (Orca Conservancy) echoed G.I. James' point about outcome-focused recovery. He emphasized that salmon recovery has progress in line with the goal of 3% orca growth per year (to preserve genetic diversity). While we may see big population jumps from things like dam removal, and moderate jumps from resolving culvert issues, a lot of progress will depend on small restoration projects. Funding will be key.

Colleen Weiler (Whale & Dolphin Conservation) emphasized the need for bold and urgent actions. She strongly supports (1) adopting the net ecological gain standard, (2) working with the Navy to eliminate impacts on Southern Residents, especially in inland critical habitat, and (3) incorporating impact analysis into state permit reviews for marine operations. She encouraged the Task Force to add detail to and clarify the new recommendations to make the steps for achieving them clear. Include elements of monitoring, evaluation, and adaptation. Continue to refine existing and new recommendations to include specific benchmarks and targets. Oversight, accountability, co-management, and public input are essential

Alyssa Barton (Puget Soundkeeper Alliance) reminded the Task Force the Year One Recommendation 30 and 32 have stalled and still need funding and staff to move forward. She encouraged the Task Force to not let Year Two recommendations overshadow or de-emphasize the recommendations already in place. She supports (1) the 'life after Task Force' guiding principles and (2) developing a NPDES permit framework for advanced wastewater treatment in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound by 2022.

Rein Attemann (Washington Environmental Council) encourages the Task Force to steer the ship in the right direction, capturing the existing momentum and political support from the public for orca recovery.

Jari Brenner (Whale Speak) said the impression she received was the orcas are grateful the Task Force set aside human differences and their efforts have not gone unnoticed.

ADOPTION OF NEW RECOMMENDATIONS

Susan Gulick (facilitator) reviewed the Year Two recommendation package below with updated language based on fishbowl discussions:

Contaminants

- **YR2-B:** Protect against regulatory rollbacks at the federal and state level.
- **YR2-C:** Explore setting minimum standards for local stormwater funding to ensure that all programs have the resources necessary to protect water quality.

Nutrients

- **YR2-D:** Develop a NPDES permit framework for advanced wastewater treatment in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound by 2022.
- **YR2-E:** Better align existing nonpoint programs with nutrient reduction activities and explore new ways to achieve the necessary non-point-source nutrient reductions.
- **YR2-F:** Collect high-quality nutrient data in watersheds to fill key knowledge gaps of baseline conditions.

Life after the Task Force

- **YR2-G:** Create one or more entities with authority and funding to recover and advocate for Southern Resident Killer Whales by implementing Task Force recommendations, creating new recommendations as needed, and reporting to the public, governor, and tribal co-managers on status. Any oversight group must incorporate the following elements:
 - Is co-managed by the Governor's office and tribes.
 - Coordinates with federal agencies in both the United States and Canada to stay connected to ongoing policies around species recovery.
 - Aligns with Governor's priority on Diversity, Equity and Inclusion, and Environmental Justice.
 - Maintains some element of the working group structure and provides ongoing support and facilitation of working groups by state agencies.
 - Continues engagement from non-profits, businesses, and other stakeholders to monitor implementation of existing recommendations, consider new recommendations, and recommend course corrections for continued recovery.
 - Maintains and enhances public visibility and interest in this crisis and facilitates a robust public engagement process.
 - Builds on ongoing monitoring and reporting to maintain accountability to the public.
 - Maximizes institutional durability, at least until the population reaches 84 whales by 2028.

Climate change and ocean acidification

- **Greenhouse gas emissions YR2-H:** Take aggressive, comprehensive and sustained action to reduce human-caused greenhouse gas emissions, with the goal of achieving net zero emissions by 2050.
- **Ocean acidification YR2-I:** Increase Washington's ability to understand, reduce, remediate and adapt to the consequences of ocean acidification.
- **Prey YR2-J:** Mitigate the impact of a changing climate by accelerating and increasing action to increase the resiliency and vitality of salmon populations and the ecosystems on which they depend.

- **Vessels YR2-K:** Expand the Governor's Maritime Blue scope of work and provide funding to implement recommendations from the Orca TF and pursue shipping and other maritime innovations that benefit Southern Residents.
- **Contaminants YR2-L:** Identify and mitigate increased threats to Southern Residents from contaminants due to climate change and ocean acidification. Prioritize actions that proactively reduce exposure where the increased impacts are expected to be most severe.

Population growth and development

- **YR2-M:** Adopt and implement policies, incentives, and regulations for future growth and development to prevent any further degradation of critical habitat and sensitive ecosystems; enable and channel population growth in ways that result in net ecological gain; evaluate and report outcomes for all jurisdictions at the state, county, tribal, and municipal level.
- **Vessels YR2-A:** Conduct a comprehensive environmental review and take action to minimize potential whale-strike risk and underwater noise posed by the growing number and distribution of fast-ferrys and water taxis in Southern Resident critical habitat.
 - Federal and state agencies with the appropriate jurisdiction should coordinate and conduct the comprehensive environmental review.
 - Washington State ferrys should work with operators of fast ferrys and water taxis to determine and implement effective actions.
 - Engage WA Maritime Blue in technology and innovation solutions.

This recommendations package achieved consensus and was adopted by the Task Force. All Task Force members around the table approved the recommendation package with the following abstentions:

- **Jeff Dickison (Squaxin Island Tribe):** tribal leadership will provide their input via further meetings with the Governor. No opposition to the recommendations, just the communication method.
- **Cecilia Gobin (Northwest Indian Fisheries Commission):** will provide comment directly to the Governor's Office. Abstention is not a reflection of the merit of the recommendations.
- **Paul McCollum (Port Gamble S'Klallam Tribe).**
- **Haley Kennard (Makah Tribe):** abstaining from a vote until the tribes have a government-to-government conversation with the Governor's Office.
- **Bryce Campbell (Global Affairs Canada):** official observer on behalf of Government of Canada; not a voting member of the Task Force.

WRAP-UP AND NEXT STEPS

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

- The consulting team will make updates to the Year Two report based on today's meeting, including updating the new recommendation language and adding specificity throughout as requested.
- The updated report will be made available to the Task Force and the public for comment from October 14th – October 25th.
 - The consulting team will summarize and share public comments electronically with the Task Force for consideration on a rolling basis.
 - If necessary, the consulting team will convene the Task Force via webinar to discuss any items that require further input and deliberation between October 14th and November 8th.
- The final Year Two report will be posted to the Governor's [website](#) on November 8th.

Susan Gulick (facilitator) provided each member of the Task Force the opportunity to share final thoughts and reflections. Task Force members expressed their appreciation and commitment to the work the Task Force has done over the past two years.