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**UPDATED**

# SOUTHERN RESIDENT ORCA TASK FORCE DRAFT REPORT

## A Guide For BOLD Commenting

Comments Due by Midnight, Monday October 29





**SR3 / NOAA**

NMFS Research Permit # 19091

*We dedicate this effort to the next generation of the Southern Residents.*

photo of J41, Eclipse and J51, Nova by John W. Durban

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## It's Time to GO BOLD

This is our last chance to tell the Task Force to go BOLD in Year one with their final recommendations to Governor Inslee to save the Southern Resident orcas. Earlier this month we came out with a simplified guide to the initial draft recommendations and public comment survey. Once again the four of us—Monika, Cindy, Whitney, and Susan—have been working together while pondering the question raised by some of the task force members at the end of the last meeting: are these recommendations BOLD enough? We have been told the task force is paying attention to public comment and we cannot stress enough how important it is for all of us as individuals to comment. We'd like to encourage you to advocate for the BOLDEST possible actions on behalf of the Southern Residents in this final draft commenting process and have developed this guide to help you. **If you are able, please consider attending the final year one Task Force meeting on November 6th in Puyallup and show strong support for BOLD actions.**

On behalf of the Southern Resident orcas,

*Monika Wieland Shields*, Orca Behavior Institute, [monika@orcabehaviorinstitute.org](mailto:monika@orcabehaviorinstitute.org)

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[Updated Draft Document](#)

[Online Public Comment Portal](#)

## Information On Using This Guide

- Recommendations have been re-numbered since last time. Additionally, the draft document released by the steering committee includes a simplified statement on each recommendation.
- There are a lot of additional details about how the action will actually work in the implementation details, so we've pulled out some key information in an additional bullet point under each recommendation to help you understand what each action would entail.
- In cases where we feel the action could be made bolder, we've called it out as a **bold comment** with details. We encourage you to comment on these action items at the end of the survey, but it is important to do so in your own words.

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

- We have also included some **bold insights** to items we felt were particularly good or needed clarification.
- The survey will ask you to rank your level of support for each action item. **There is only one comment box at the end of the survey this time, but please use it!**
- We suggest **taking notes** on your thoughts on each action item as you go through, then type them in the comment box referencing particular action numbers at the end.



Finally, you will be asked to rank your Top 5 actions on the table. We've marked what we think are the Top Picks and most important actions that will make a real difference for the whales, in case you want to use that to guide the selection of your own Top 5.

**Look for the Bold Action Now Ribbon to identify the Top Boldest Actions.**

## GOAL 1: Increase Chinook Abundance

### Habitat Acquisition and Restoration



**Recommendation 1: Significantly increase investment in restoration and acquisition of habitat in areas where Chinook stocks most benefit Southern Resident orcas.**

- For the next ten years, this would accelerate the pace of habitat restoration programs throughout the state including barrier removal, large-scale estuary restoration, monitoring, and the creation of a new funding source.  
**BOLD insight: Historically, these programs have been underfunded at just 15% of what has been needed. This action would address a significant limiting factor for recovery of salmon important to killer whales. This recommendation could be combined with #2 to benefit both Chinook salmon and forage fish.**

**Recommendation 2: Immediately fund acquisition and restoration of nearshore habitat to increase the abundance of forage fish for salmon sustenance.**

- Provide funding, estimated at \$60 million for the next biennium, for the immediate implementation of nearshore habitat restoration projects

**BOLD Comment: Recommendation #1 and #2 could be combined because there is overlap in programs and geographic areas that benefit acquisition and restoration for forage fish and Chinook.**

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## Habitat Protection and Enforcement

### **Recommendation 3: Enforce laws that protect habitat.**

- Would provide Washington Department of Fish and Wildlife and the Department of Ecology capacity to strongly enforce existing habitat protection and water quality regulations, direct agencies to complete a report on existing regulations to enhance prey availability, develop and adopt rules to implement and enforce the Fishway, Flow, and Screening statute, enhance penalties, and increase prosecution for violations seeking to hold property owners and contractors accountable.



### **Recommendation 4: Immediately strengthen protection of Chinook and forage fish habitat through legislation that amends existing statutes, agency rulemaking, and/or agency policy.**

- Would lead Washington Department of Fish and Wildlife and the Department of Ecology to strengthen protection for Chinook and forage fish habitat including repealing the section of the HPA permit that requires the issuance of a single-family permit with or without conditions, and develop a plan to analyze and require mitigation for cumulative impacts over time.

**Bold Comment Suggestion:** *In addition to this language, ask the Task Force to consider amending “no net loss” policies to a “net ecological gain” policy. This means that we want to restore more habitat than we lose with continuing development.*

### **Recommendation 5: Develop incentives to encourage voluntary actions to protect habitat.**

- Would increase funding going to programs such as local conservation districts to protect and restore habitat on private property.

## Hatcheries



**Recommendation 6: 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 should be done in concert with increased habitat protection and restoration measures.**

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

- Would provide funding to increase hatchery production and related expenses done in a manner consistent with conservation objectives and available habitat with comprehensive 5-year reviews, adaptive management, and oversight from NOAA and U.S. Fish and Wildlife. Begin with pilot actions in 2019 followed by hatchery increases in 2020.

**BOLD Insight:** *While some consider hatchery production controversial because of its potential impacts on wild salmon runs, this is one of the few action items that will result in more fish in the water for whales in the near-term. Part of this action item includes refining practices to best benefit whales and have the lowest impact on wild salmon. The hope is this would be a short-term stopgap until other longer-term recovery efforts, like habitat restoration, take effect.*

## Hydropower



**Recommendation 7: Prepare an implementation strategy to re-establish salmon runs above existing dams, increasing prey availability for Southern Resident orcas.**

- Would provide funding to WDFW and regional salmon organizations in 2019 to assess, prioritize, and create plans for locations where sustainable salmon runs can be re-established above dams, including several on the Columbia River and in Puget Sound.

**BOLD Comment Suggestion:** *In addition to preparing a strategy, this action item should also specify a timeline for implementation. Also add that no new dams should be considered in the state until Southern Residents have reached a specified recovery goal.*



**Recommendation 8: Increase spill to benefit Chinook for Southern Residents by adjusting Total Dissolved Gas allowances at the Snake and Columbia River dams.**

- Would increase allowable dissolved gas standards from 115% to 125%, matching Oregon's standards, and allowing for more spill over dams in the Columbia Basin. Many juvenile fish die in turbines at dams, and increased spill allows more out-migrating salmon to avoid the turbines.

**BOLD Insight:** *At the last task force meeting, one member called this “one of the best recommendations on the table” because it can be done in the short term and would have immediate impacts.*

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting



**Draft Recommendation 9 (to be discussed further at Nov. 6 task force meeting): Determine whether removal of Lower Snake River Dams would provide benefits to Southern Resident orcas commensurate with the associated costs, and implementation considerations.**

• Washington, Oregon, and Idaho would hire a neutral third party to convene a stakeholder panel to address issues related to the potential removal of the four Lower Snake River dams, including establishing the decision-making process for dam removal, a timeline for projected salmon recovery from dam removal, and required infrastructure mitigations including transportation, power, sedimentation, and irrigation. Work would be complete alongside EIS due in 2020.

**BOLD Comment Suggestion:** *A mitigation process is necessary to precede dam removal, but the panel should seek solutions rather than debate the costs/benefits of dam removal. The proposed timeline has also been pushed back in this updated draft recommendation. We believe the process should begin in November 2018 and be complete at the original recommended date of September 2019. We also believe the focus of the panel should be “What needs to happen if/when the dams are breached to make everyone whole” rather than a debate of the effectiveness of breaching.*

## Harvest

**Recommendation 10: Support full implementation and funding of the 2019-2028 Pacific Salmon Treaty.**

• Advocate for implementation of the treaty, which will result in harvest reductions, reduced bycatch, increased hatchery production and investments in habitat restoration

**BOLD Comment Suggestion:** *Request the state mandate a quota for SRKW at the North of Falcon meetings and/or allot a portion of its Pacific Salmon Treaty quota to Southern Residents. Without this bold addition, the action item may not mean as much, because the treaty process is playing out separately from the Task Force process.*

**Recommendation 11: Reduce Chinook bycatch in west coast commercial fisheries.**

Implement practices and regulations in west coast fisheries that further reduce bycatch of Chinook.

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## Predation

**Recommendation 12: Direct the appropriate agencies to work with tribes and NOAA to determine if pinniped predation is a limiting factor for Chinook in Puget Sound and along Washington’s outer coast and evaluate potential management actions.**

- This is a multi-part action item that would include a pilot project for the removal of artificial haul-out sites near known predation sites on Chinook smolts, an independent scientific panel to assess the extent of pinniped predation on Chinook in Puget Sound and on the outer coast, a stakeholder panel to review the results of the scientific panel and assess management actions, and a determination of the “optimal sustainable populations” of harbor seals in Puget Sound.

**BOLD Comment Suggestion:** *This action is the opposite of bold, scapegoating another species in response to the problems we have created. While harbor seal populations have boomed since their historic lows 50 years ago, their populations are now declining in the state, perhaps in part to the increasing abundance of transient killer whales in the area over the last 15 years. Seals are generalist predators who do not specialize on Chinook; in fact they also eat other Chinook predators such as hake. We recommend a “strongly disagree” to this action item that would be time consuming and is unneeded.*

**Recommendation 13: Support authorization to more effectively manage pinniped predation of salmon in the Columbia River.**

- Support ongoing efforts to amend the Marine Mammal Protection Act to reduce restrictions to allow for increased culling of pinnipeds in the Columbia River.

**BOLD Comment Suggestion:** *Whether or not you agree with this action, it is already underway with pending legislation. Having the task force essentially endorse it doesn’t seem necessary and should not be a priority.*

**Recommendation 14: Reduce populations of non-native predatory fish species that prey upon or compete with Chinook.**

- Remove catch limits and size restrictions on non-native predatory fish that consume salmon, including walleye, bass, and channel catfish. Evaluate the effectiveness of predatory fish reductions in the McNary reservoir.

**BOLD Insight:** *This is a “low hanging fruit” action that will benefit native fish species including salmon, but is not one of the bolder actions on the table.*

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## Forage Fish

 **Recommendation 15: Monitor forage fish populations to inform decisions on harvest and management actions that provide for sufficient feedstocks to support increased abundance of Chinook.**

- Map forage fish spawning habitat to determine abundance for Chinook food sources, in conjunction with restoration and protection.
- Determine impacts of forage fish harvest on Chinook

**BOLD Comment Suggestion:** *While in general we are advocating for action rather than further research and monitoring, currently there is little known about the health of forage fish spawning habitat in the Salish Sea. This is an important recommendation to ensure a healthy food chain for salmon and SRKW. Perhaps this could be combined with Recommendation 16 to become a bold food web action.*

 **Recommendation 16: Support the Puget Sound zooplankton sampling program as a Chinook and forage fish management tool.**

- There are direct correlations between zooplankton and early marine survival of Chinook populations. This sampling program provides an opportunity to forecast salmon returns and understand the roles of various environmental impacts on salmon abundance.

**BOLD Comment Suggestion:** *This monitoring program is a vitally important source for reliable information about zooplankton and the food web. Perhaps it could be combined with Recommendation 15 to become a bold food web action.*

## Goal 2: Decrease disturbance of orcas from vessels and noise and increase orcas' access to prey

### Reduce Noise from Small Vessels

 **Recommendation 17: Establish a statewide “Go-slow” bubble for small vessels and commercial whale watching vessels within half a nautical mile of orcas.**

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

- Enacts legislation in 2019 requiring all small vessels within half a nautical mile of orcas to reduce speed to 7 knots or less.

**BOLD Insight:** *One of the biggest factors influencing a vessel's underwater noise is its speed. This action item makes sense because it benefits the whales wherever they are and applies to all vessels, rather than providing a static protection zone that only excludes some vessels.*

**Recommendation 18: Establish a limited-entry whale-watching permit system for commercial whale-watching vessels and commercial kayak groups in the inland waters of Washington State to increase acoustic refuge opportunities for the orcas.**

- Creates a limited-entry permit system by May 2019 to manage commercial whale-watching in Washington State that would limit the number of permitted boats, the number of boats on scene, and the amount of time spent with whales. Would require AIS on all vessels for effective monitoring and coordination with Canadian officials.

- **Additional Recommendation 18B** for further discussion: Allow permit system to limit number of trips per day, establish “quiet days” where no whale-watching is allowed, and geographic closures to whale-watching at known foraging areas.

**BOLD Comment Suggestion:** *We believe the limited-entry permits and other restrictions should only apply to Southern Resident killer whales, encouraging whale watch companies to continue to view the thriving humpback whale and transient killer whale populations. We do not support 18B, as it would negatively impact local businesses with little effect to the whales since other vessels would still be on the water and the Southern Residents are spending less and less time in the Salish Sea and may not even be here to take advantage of quiet days. Additionally, the time delays of hours or days proposed in the foraging zone closures means that by the time they are implemented, the wide-ranging whales are all but guaranteed to be out of the area.*

**Recommendation 19: Require an annual “Be Whale Wise” certification for all recreational boaters on the inland marine waters and ensure that all boaters are educated on how to limit boating impacts to orcas.**

- Creates a \$10 “marine endorsement fee” for all vessels in Washington’s inland waters which includes education on all vessel regulations and guidelines for safe operations around the whales, with funds going to increased enforcement by WDFW.

**BOLD Insight:** *This makes sense to further educate recreational boaters and increase compliance and enforcement of safe boating practices around the whales, but is not overall one of the bolder actions on the table.*

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## **Recommendation 20: Increase enforcement capacity and fully enforce regulations on small vessels to provide protection to Southern Residents.**

- Creates a WDFW marine enforcement division with four additional officer positions whose priority will be Southern Resident killer whale protection when whales are present and all other marine resources at other times.

## Reduce Noise from Echosounders

### **Recommendation 21: Discourage the use of echo sounders and underwater transducers within one kilometer of orcas.**

- Encourage operations to turn off echosounders within half a mile of Southern Residents when it is safe to do so. This action was originally to change the setting from 50 kHz to 200 kHz until it was learned this doesn't necessarily stop the pulses at 50 kHz.

**BOLD Comment Suggestion:** *There is concern from the boating community about the safety of turning off echosounders. Therefore we recommend exploring the potential for echosounders that range at higher frequencies and if those are an option, then institute a Washington state phase-out program for the lower frequency models.*

## Reduce Noise from Ferries and Ships

### **Recommendation 22: Implement shipping noise-reduction initiatives and monitoring programs, coordinating with Canadian and US authorities.**

- Create program similar to the Port of Vancouver's ECHO program for Washington State, providing funding for an expanded underwater acoustic monitoring network in Puget Sound.

**BOLD Comment Suggestion:** *While we strongly support a vessel slowdown program for reducing underwater noise from shipping traffic in Washington state, we believe the State's limited dollars would be better spent elsewhere than by installing and maintaining additional hydrophones in the region. There are already effective whale monitoring networks in place and the money would be better spent elsewhere.*

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

**Recommendation 23: Reduce noise from the Washington State ferries by accelerating the transition to quieter and more fuel-efficient vessels and implementing other strategies to reduce ferry noise when Southern Residents are present.**

- Conduct a ferry fleet baseline study to inform noise reduction goals, then implement operational changes to reduce noise when Southern Residents are present. Provide funding to accelerate the transition to quieter and more fuel-efficient ferries.

**BOLD Comment Suggestion: *A specific timeline for this action is needed to make it a bolder recommendation.***

## Increase Protection from Oil Spills



**Recommendation 24: Reduce the threat of oil spills in Puget Sound to the survival of Southern Residents.**

- Require escort tugs, enact legislature to ban infrastructure supporting offshore oil and gas development on Washington's coast, and update oil spill prevention plans and cleanup standards.
- Additional Recommendation **24A** for discussion at Nov. 6 task force meeting: Task force will review draft recommendations being released Nov. 1 regarding an emergency response towing vessel in Haro Strait and Boundary Pass to determine if any additional recommendations are needed
- Additional Recommendation **24B** for discussion at Nov. 6 task force meeting: Require the oil shipping industry to fund a rescue tug located near the San Juan Islands.

**BOLD Insight: *These action items are needed and makes sense for the health of the whole Salish Sea ecosystem. The Chugach/ATI transients in Alaska, who are functionally extinct as a direct result of the Exxon Valdez oil spill, are a perfect example of what can happen to a small population in the event of a catastrophic oil spill.***

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## Additional Vessel Proposals

### **Recommendation 25: Coordinate with the Navy in 2019 to discuss reduction of noise and disturbance affecting Southern Resident orcas from military exercises and Navy aircraft.**

- Incorporate the Navy into Year 2 discussions based on strong input from task force members and public comments.

### **Recommendation 26: Revise RCW 77.15.740 to increase the buffer to 400 yards behind the orcas.**

- This is already the industry standard for the Pacific Whale Watch Association and is a minor update to the existing law that would reduce “chase-like” scenarios

### **Recommendation 27: Determine how permit applications in Washington state that could increase traffic and vessel impacts could be required to explicitly address potential impacts to orcas.**

- Study the requirements of having permits specifically address impacts to Southern Residents and report back to the Task Force in 2019.

### **Recommendation 28: Establish a whale protection zone to reduce disturbance to foraging orcas.**

- Establish a slow-go zone with a speed limit of 7 knots or less within ¼ mile of shore from Cattle Point to Pile Point, and a no-go zone for commercial whale-watch, commercial kayak, and recreational vessels within ¼ mile from Pile Point to Mitchell Bay.

**BOLD Comment Suggestion:** *While the details are still being debated by the task force, this proposed no-go zone conveniently excludes known whale foraging areas of Eagle Point and Open Bay (keeping them open to recreational fishing). We prefer the proposed slow-go zone that follows the whales as opposed to a slow-go zone that covers only a small portion of their range. Any no-go zone needs to be based on a scientific assessment of important foraging areas to the whales rather than the interest-group driven proposals we have seen so far from the task force. There is also a safety issue that needs to be addressed by if kayakers are required*

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

*to travel ¼ mile offshore in Haro Strait. We recommend pushing this conversation to year 2 until currently available data can be analyzed to examine foraging areas and how they have changed over time as a result of changes in salmon abundance.*

## Goal 3: Reduce the exposure of Southern Resident orcas and their prey to contaminants.

### Pollution Prevention



#### **Recommendation 29: Accelerate the implementation of the ban on PCBs in state purchased products and make information available online for other purchasers.**

- Accelerate an existing law, adopted in 2014, to ban PCBs in consumer products such as paints, hatchery fish feed, electrical equipment and lubricants

**BOLD Comment Suggestion:** *This is a necessary action in order to reduce PCB levels in Southern Resident orcas and their prey. It won't show immediate results so there is concern that it will be pushed down the priority list, but the sooner this happens the sooner there will be a positive impact, and it should remain as a year 1 priority. We suggest adding a timeline to fully implement the ban in 2019.*

#### **Recommendation 30: Identify, prioritize and take action on chemicals that impact orcas and their prey.**

- By March 2019 develop a list of chemicals of emerging concern (CECs) for orcas and their prey and pursue legislation policy and/or budget requests in the 2019 legislative session.
- Address pharmaceuticals, including source control and wastewater treatment methods.

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

## Removal and Clean-Up



### **Recommendation 31: Reduce stormwater threats and accelerate clean-up of toxics that are harmful to orcas.**

- Accelerate, prioritize and fund clean up of PCBs, PAHs, PBDEs and PFAS with actions likely to have the most benefit for Southern Residents.
- Identify and prioritize toxic hotspots for stormwater and for forage fish and Chinook rearing habitat.

**BOLD Insight:** *These are important actions, as stormwater is one of the biggest sources of pollution in Puget Sound and the Salish Sea*

## Removal and Clean-Up

### **Recommendation 32: Improve effectiveness, implementation and enforcement of National Pollutant Discharge Elimination System (NPDES) permits to address direct threats to Southern Resident orcas and their prey.**

- Update water quality standards focused on pollutants most harmful to Southern Residents and their prey, and develop stronger wastewater pre-treatment standards.

### **Recommendation 33: Increase monitoring of toxics substances in marine waters; create and deploy adaptive management strategies to reduce threats to orcas and their prey.**

- Expand, coordinate and fund toxic monitoring programs and science to understand the effects of Chemicals of Emerging Concern on Southern Residents and their prey.

## Additional Recommendations



### **Recommendation 34: Provide sustainable funding for implementation of all recommendations.**

- Provide funds in the 2019-20 biennium budget to implement near-term high-priority actions, and establish a sustainable, durable funding source to implement these recommendations.

# Southern Resident Orca Task Force Report: A Guide to BOLD Commenting

**BOLD insight:** *This is a necessity in order for these actions to be implemented and provide benefit to the Southern Residents*

## **Recommendation 35: Conduct research, science and monitoring to inform decision making, adaptive management and implementation of actions to recover Southern Residents.**

· Request that NOAA Northwest Fisheries Science Center model the Task Force's Year One recommendations related to prey abundance to determine how many adult Chinook they would produce.

**BOLD Insight:** *While monitoring actions is important to evaluate their effectiveness in order to make changes going forward, many of the above actions include a management component. While it's tempting to want to put a number to all the work of the Task Force (eg of how many salmon will be produced), it's impossible to accurately model such a complex suite of actions in a complex ecosystem. We feel that all available funding needs to go into implementing actions, and not further research.*

## **Recommendation 36: Monitor progress of implementation and identify needed Enhancements.**

· Agencies will provide progress report to Governor and task force by May 1, 2019. Include progress, barriers, new ideas and other actions needed.



**And a reminder!** At the end of the comment section you will be asked to rank your Top 5 actions on the table. We've marked what we think are the Top Picks and most important actions that will make a real difference for the whales, in case you want to use that to guide the selection of your own Top 5. **Look for the Bold Action Now Ribbon to identify the Top Boldest Actions.**

## **Commenting Deadline**

Comments on the updated Southern Resident orca task force draft recommendations must be submitted no later than midnight, Monday October 29, via the Task Force online public comment portal . For those unable to access the online portal, comments may also be submitted by U.S. Mail to:

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Tacoma, WA 98421