

## Summary Sheet

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<b>Meeting dates:</b>	Dec. 13-14, 2019
<b>Agenda item:</b>	6. Southern Resident Killer Whales- Briefing
<b>Presenter(s):</b>	Dr. Julie Watson, Killer Whale Policy Lead, Director's Office

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### **Background summary:**

Recognizing the urgency of the threats facing the Southern Resident orcas and the unacceptable loss extinction would bring, Gov. Jay Inslee established the Southern Resident Orca Task Force through Executive Order 18-02 in March 2018. The Governor appointed nearly 50 representatives from diverse sectors to the task force. As sovereign nations, several tribes also chose to send representatives to engage with the task force while engaging in a government-to-government to resolve the issues facing the orcas and salmon.

The Governor charged this task force with preparing comprehensive recommendations to ensure a healthy and resilient ecosystem that supports a thriving Southern Resident orca population, protected from extinction. From May through November 2018, the task force convened to learn about the threats facing Southern Residents, identify solutions and formulate consensus recommendations. Working groups consisting of subject matter experts, tribal representatives and key stakeholders supported the task force, using the best available science to identify and analyze potential actions.

The task force submitted its Year One Report with a set of 36 recommendations for Southern Resident orca recovery to the Governor and Legislature in November 2018. These recommendations resulted in significant new investments, policies and regulatory initiatives to help recover Southern Residents and supported four goals: (1) increase Chinook abundance; (2) decrease disturbance of and risk to Southern Resident orcas from vessels and noise and increase their access to prey; (3) reduce the exposure of Southern Resident orcas and their prey to contaminants; and (4) ensure that funding, information and accountability mechanisms are in place to support effective implementation

Continuing to meet throughout 2019, the task force (1) assessed progress made on implementing Year One recommendations; (2) identified outstanding needs and emerging threats; and (3) formulated new recommendations to address them.

### **Progress highlights**

Thanks to leadership from the Governor, the Legislature and state agencies, several Year One task force recommendations resulted in significant policies and regulatory initiatives to help recover Southern Residents, representing an encouraging first step in Southern Resident recovery. The enacted 2019–21 biennial budgets (operating, capital and transportation) provided \$1.1 billion to support the recovery of Southern Residents and implement the recommendations of the Governor's Southern Resident Orca Task Force. Important and notable successes include:

- **Prey:** Increased hatchery production to increase food for orcas; improved habitat protections; took actions to increase survival through the hydropower system; and decrease predation from pinnipeds and predatory fish. Funding provided for fish barrier corrections; habitat protection, restoration, enforcement and technical assistance; Southern Resident Orca Task Force November 2019 8 increased hatchery production; and a process to address issues associated with the possible breaching or removal of the lower Snake River dams.
  - **Vessels:** Strengthened distance and speed restrictions near Southern Residents;
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legislation directing the establishment of commercial whale watching licensing system; established new standards for oil barge tug escorts; broadened education and outreach efforts to promote compliance; and developed voluntary standards to reduce the potential interference of depth finders on Southern Resident echolocation. Funding was provided for Washington State Department of Transportation ferry electrification and increased enforcement of vessel regulations.

- **Contaminants:** New state authorities created to prioritize chemicals of concern. Funding provided for water quality enforcement staff and contaminant prevention and cleanup.

### **Outstanding needs**

To address critical gaps and accelerate progress, the task force recommends that the Legislature, Governor, agencies and co-managers “double down” on implementing and funding recommendations that address unmet needs and gaps, capitalize on initial progress and ensure that recovery efforts are sustained over time:

- **Prey:** Sustain the priority focus on increasing Chinook abundance through habitat protection and restoration, increased hatchery production while minimizing competition with wild stocks and decreased predation.
- **Vessels:** Advance and fund solutions to vessel disturbances and noise and respond to emerging threats.
- **Contaminants:** Provide resources for implementation, update standards, prioritize actions based on emerging threats to Southern Residents and address nutrient pollution.

### **Emerging issues and new recommendations**

The task force developed 13 new recommendations [taking the total number of recommendations from 36 to 49] in Year Two to tackle emergent threats and enable sustained and successful long-term recovery. Five of these new recommendations address the threat of contaminants, including three recommendations that specifically address human sources of nutrients. The task force also focused on two systemic threats to the Southern Residents in Year Two that, if left unchecked, will undermine recovery efforts: (1) climate change and ocean acidification and (2) rapid human population growth and development. The task force established two new goals and formulated seven new recommendations to respond to and mitigate these threats.

*The above summary is primarily excerpted from the Southern Resident Killer Whale Task Force Final (Year 2) Report, available at:*

[https://www.governor.wa.gov/sites/default/files/OrcaTaskForce\\_FinalReportandRecommendations\\_11.07.19.pdf](https://www.governor.wa.gov/sites/default/files/OrcaTaskForce_FinalReportandRecommendations_11.07.19.pdf)

### **WDFW engagement**

WDFW has been a core component of the Governor’s Task Force from its conception, and our agency has central importance in implementing many of the Task Force’s recommendations. Dr. Brad Smith and Amy Windrope served on the Task Force on WDFW’s behalf, and Dr. Penny Becker chaired the Prey Availability Working Group. Staff across the agency worked across programs to implement recommendations related to habitat, hatcheries, hydropower, fisheries, species interactions (pinnipeds, non-native predatory fish, zooplankton, etc.), and vessel regulations. Much of this work began in July 2019 and is ongoing. Highlights from WDFW progress on implementation include:

- **Habitat Restoration:** The Estuary and Salmon Restoration Program (ESRP) is funding several multi-benefit estuary and salmon restoration projects, and has now adopted the Shore Friendly homeowner education and incentive program. The Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) is moving forward with Washington Department of Transportation and the U.S. Army Corps of Engineers on design of the project on highway 101 at Duckabush Estuary.
  - **Fish Barrier Analysis:** Fish Passage Division has created an initial compilation of all
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Chinook barriers and are working on Quality Assurance/Quality Control and on stakeholder outreach to refine and consolidate the list.

- **Salmon Protection:** 2SHB1579 passed, increasing WDFW's civil enforcement authority and removed key exemptions. Rulemaking has been initiated.
- **Salmon Production:** Approximately 7.5 million additional fish were released in spring of 2019. Quarterly meetings are being held to coordinate the hatchery pilot studies. 2019 brood year production proposals for WDFW, co-managers, and Douglas PUD total 26.84 million using \$13.54 million general fund-state appropriated by the legislature.
- **Salmon Predation by Pinnipeds:** In November, WDFW held a meeting with co-managers to discuss the body of science surrounding pinniped abundance, predation of salmon, and foodweb interactions. Additionally, WDFW staff coordinated with Canadian partners to hold two transboundary pinniped science workshops.
- **Salmon Predation by Warm Water Piscivorous Fish:** WDFW proposed new rules to liberalize bag limits on bass, walleye, and channel catfish in anadromous waters of the state. The Commission is deliberating these rules at the December 2019 meeting.
- **Salmon Foodweb:** WDFW is coordinating with partners at DNR and Northwest Straits Initiative to enhance beach spawning and forage fish surveys. In addition, WDFW is leading coordination of the Zooplankton Monitoring Program.
- **Vessels:** Added enforcement capacity has enabled at least 105 SRKW patrols in 2019. WDFW is working with Be Whale Wise to ramp up outreach and education around the new vessel speed and distance regulations in the vicinity of SRKW.
- **Commercial Whale Watching:** An advisory committee, independent science panel, and intergovernmental coordination group are all taking shape to inform the rulemaking directed by SSB 5577. Proposed rules will be reviewed in fall 2020 for prospective adoption by January 1, 2021.

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**Staff recommendation:** N/A- briefing only

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**Policy issue(s) and expected outcome:** It is yet to be determined what legislative action or implementation requests will be made of WDFW following the Year 2 recommendations. WDFW is not proposing SRKW-related legislation in the 2020 legislative session.

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**Fiscal impacts of agency implementation:** N/A

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**Public involvement process used and what you learned:** N/A

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**Action requested and/or proposed next steps:** N/A- briefing only. Implementation work will continue through the biennium, and staff will bring proposed rules and relevant policy issues to the Commission for deliberation.

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**Draft motion language:**

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**Post decision communications plan:**