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Mr. Marc Gorelnik, Chair Pacific Fishery Management  
Council 7700 NE Ambassador Place, Suite 101 Portland, OR  
97220

Mr. Barry Thom, Regional Administrator National Marine Fisheries  
Service 1201 NE Lloyd Blvd., Suite 1100 Portland, OR 97232

RE: November 2020 Meeting; Agenda Item F.2 – Southern Resident Killer  
Whale Endangered Species Act Consultation

Dear Administrator Thom, Chair Gorelnik and Council Members,

On behalf of Wild Orca and our supporters, please accept the following  
comments for consideration on agenda item F.2.

In 2005, the Southern Resident Killer Whales (SRKW) were listed under the  
Endangered Species Act (ESA), but in 2009 NOAA Fisheries (NMFS) found that  
Council fisheries were not jeopardizing SRKW, though several studies from that  
time—such as Ford et al., 2009—suggested otherwise.

In 2017, due to an extensive multi-year analysis of SRKW biological samples, it  
was determined that lack of primary prey – Chinook salmon – is the leading cause  
of poor health in these animals, and responsible for a 69% pregnancy failure rate  
(Wasser et al., 2017). Other studies show that insufficient nutrients cause SRKW  
stress, further amplifying effects of toxicants (Lundin et al., 2016), and  
disturbance/noise from vessels (Ayres et al., 2012).

Studies such as these prompted NMFS to re-initiate ESA Consultation in 2019,  
and review Council fisheries' impacts on prey availability for SRKW. Regional  
Administrator Barry Thom stated that, "The goal is to help ensure that Council's  
harvest management is responsive to the status of the SRKW and supports  
recovery... [and] provide confidence that fisheries can respond to the highest risk  
conditions and help improve conditions for SRKW."<sup>1</sup>

Despite the best available science suggesting a strong correlation between  
Chinook abundance and decline of SRKW, the Workgroup reports to Council  
downplay this connection, even though they're acknowledged in the Risk  
Assessment as accepted by Council. The proposals in the final report offer  
very little, if any, viable response to improve conditions to recover SRKW.

Of the four alternative thresholds offered for Council consideration, Alternative D  
sets the highest threshold, but is derived from years prior to SRKW ESA listing. The  
ongoing decline of this population in more recent years—lower today than when

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<sup>1</sup> <https://www.pcouncil.org/documents/2019/03/agenda-item-d-1-a-supplemental-nmfs-report-4-supplemental-to-nmfs-annual->

listed—shows that low abundance of Chinook, and of continued fishing pressure, continues to jeopardize SRKW survivability.

At Wild Orca, we strongly believe that an allocation of a quota of the Chinook harvest is necessary to recover SRKW. But until such time as managers are willing to consider ecosystem services and the role of predators in fisheries management, **we ask that Council adopt alternative D, and with it an additional management measure.**

However, we are unable to support any of the measures offered in *Report 2: Updated list of potential responses*, as we believe these are unlikely “to reduce impacts on prey in a meaningful way” as prescribed by NMFS. We note that in the proposed SRKW critical habitat areas 1 & 2 (Washington and Oregon north of Cape Meares), the season opened this year on June 20. Yet the workgroup posits two options –delay the start of season to June 1 (4A) or June 15 (4B), bringing into doubt the credibility of these and other options.

Especially since these two proposed critical habitats are increasingly more critical, with SRKW spending more time foraging offshore each year. In 2020, SRKW were absent from their Salish Sea critical habitat for nearly four months this summer, the first such prolonged series of absence since studies began in 1976. These offshore feeding hotspots are therefore increasingly critical to SRKW health and survival.

**We therefore request that Council adopt an additional management measure, and that is to close fishing in critical habitat Areas 1 and 2, when the pre-season forecast is predicted to be below the threshold as described in Alternative D.**

We believe this combination of measures will best fulfill the guidance from NMFS, “...fisheries actions to limit impacts to prey availability in specific areas and times that are believed to create the greatest benefit to the whales.”

The Council must not miss this opportunity to show leadership, and provide confidence that fishery managers can, and will respond to the looming threat of functional extinction of SRKW, and help secure a healthy future for Chinook salmon and these endangered orcas that depend on them.

Thank you for the opportunity to comment.

Sincerely,  
Dr. D. A. Giles  
Wild Orca, Science & Research Director