



# MARINE MAMMAL COMMISSION

29 October 2018

Southern Resident Killer Whale Task Force  
Office of Governor Jay Inslee  
State of Washington  
Olympia, Washington

Dear Members of the Southern Resident Killer Whale Task Force:

The Marine Mammal Commission is pleased to see the draft recommendations of the SRKW Task Force. The informal staff-level comments below supplement the Commission's letter of 5 October 2018 in response to the Task Force's proposed recommendations released on 24 September 2018. The Commission welcomes this and future opportunities to provide input to the Governor's Task Force.

## **Recommendations 1, 4, 6 and 7**

Although the draft recommendations clearly recommend taking actions to improve and restore those Chinook stocks important to SRKWs action (e.g., through habitat restoration, hatchery production), they do not identify how those stocks would be chosen. It is unlikely that the state will have resources sufficient to address every stock of importance. Therefore, the Commission suggests that the recommendations would be strengthened by identifying a well-defined set of criteria that could be used to select the suite of runs that should have the highest priority for improvement and recovery. We agree that the characteristics of individual stocks are important, but add that the diverse particular suite of stocks that provide SRKWs with the resources they need throughout the year is equally important.

## **Recommendation 9**

This recommendation primarily creates a lengthy and involved process for dialog on the issue, without a clear vision of what the outcomes would be or how they would be reached. As written this recommendation calls for a third party to initiate development of a forum that will begin developing a regional approach related to possible future removal, and to update the governor and inform decisions. The Commission supports the inclusion of this recommendation, but suggests that it should provide a much clearer picture of what will be accomplished, how and on what schedule.

## **Recommendation 12**

The second bullet under this recommendation calls for a review by an independent science panel to assess, among other things, factors that may exacerbate or ameliorate predation. The panel also should be asked to review what is known and what gaps exist concerning our knowledge about impacts of salmon predation by pinnipeds on SRKW, and what additional research is needed to fill those gaps. In addition, the panel should be asked to provide guidance on what monitoring and

research programs are needed to assess whether programs to address pinniped predation are effective in making more salmon available for SRKW.

The third bullet calls on State agencies to engage with NOAA to determine the optimal sustainable population (OSP) of harbor seal stocks in Puget Sound. Generally, making such a determination requires either good information on historical abundance (assuming carrying capacity has not changed) or a long-term series of abundance estimates showing the population's trend over time (and when it passes an inflection point indicating that the population likely is above its maximum net productivity level). It is not clear that such data exist for the stocks of harbor seals in Washington. Therefore, the State and NOAA also should consider what information still needs to be collected or analyzed to enable OSP determinations to be made and what steps are needed to obtain the necessary information.

The fourth bullet recommends that a management panel be convened to review the results of the independent scientific review and to assess appropriate management actions. As one of the federal agencies with expertise concerning these matters, the Marine Mammal Commission would be interested in participating on the management panel, at least in an observer or advisory capacity. With respect to the fifth bullet, the Commission suggests that, if removal of pinnipeds is deemed necessary, that sufficient funding also be provided to enable the State to assess the effectiveness of such a program in increasing the number of Chinook or other salmon available for SRKW.

### **Recommendation 13**

As the Commission noted in its previous comments, we support efforts to promote recovery of endangered and threatened salmonids in the Columbia River, including the removal of sea lions that are preying on those fish. However, such efforts should target those animals that are significant contributors to the predation problem, and should be confined to those areas where significant predation occurs. We are not convinced that the bills currently under consideration satisfy those criteria. In addition, it remains uncertain whether removal efforts to date have been effective in conserving salmon or whether the fish "saved" by removing sea lions are eaten by other pinnipeds that move in to occupy the vacated niche. We agree that the State should monitor Chinook survival and pinniped distribution in the Columbia River from the estuary to Bonneville Dam as recommended. However, such monitoring should also seek to understand how pinnipeds and salmon are interacting in various parts of the river and whether pinniped removals are, in fact, contributing to salmon recovery and, more specifically, to an increase in the availability of salmon that can be consumed by SRKW (i.e., are of sufficient size and in the right places at the right times).

### **Recommendation 18**

The Commission supports the inclusion of part B of this recommendation, which would establish "quiet days" as part of the permitting system. Such a system would provide the whales a periodic and important respite from the constant attendance and harassment by whale watching boats that they are subject to at some times and places. However, we note that the science does not support the claim that the whales require two days for their hearing to recover. The sound levels they are exposed to are not loud enough to cause hearing loss, and therefore they do not need to recover.

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Please contact me if you have questions concerning the Commission's comments.

Sincerely,

A handwritten signature in blue ink that reads "Peter O. Thomas". The signature is written in a cursive, flowing style.

Peter O. Thomas, Ph.D.  
Executive Director