



Pacific Fisheries Management Council

Attn: Mr. Phil Anderson

RE: Southern Resident Killer Whale Endangered Species Act Consultation

In 2019, the National Marine Fisheries Service (NMFS) requested that the Pacific Fishery Management Council, "reassess the effects of Council-area fisheries on Southern Resident killer whales (SRKW)...[as] a substantial amount of new information is available on SRKW and their prey." And further asserted, "Chinook salmon, the whales' primary prey, is important to SRKW survival and recovery. Any activities that affect the abundance of Chinook salmon available to SRKW have the potential to impact the survival and population growth.... Fisheries can reduce the prey available to the whales and in some cases can interfere directly with their feeding." NMFS concludes, "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 in the future."¹

As NMFS acknowledges, the best available science shows that of all the threats to the SRKW, depletion of Chinook salmon has the biggest impact on their fitness, and therefore survival. Plentiful, large Chinook is critical for healthy females to raise robust calves, and well-nourished orcas are also better equipped to manage other stressors such as noise, pollutants, and toxicants.

The continued extraction of Chinook salmon along the Pacific Coast at current levels is depleting already-struggling endangered Chinook stocks, and jeopardizes the future of these orcas—whose population in 2020 is lower than when ESA listed in 2005, and as the Workgroup *Risk Assessment* notes, the population is already well below the recovery goals identified in the *ESA Recovery Plan*.

Yet despite all of this, the SRKW Workgroup recommendations to Council at worst offer **zero**

¹ <https://www.pccouncil.org/documents/2019/03/agenda-item-d-1-a-supplemental-nmfs-report-4-supplemental-to-nmfs-annual-guidance-letter-dated-march-5-2019-specifically-addressing-guidance-related-to-effects-of-these-fisheries-on-endangered-so.pdf/>



additional measures to support recovery of this endangered population, and at best trigger a minor response, but only in years forecast to equal previous historic low levels of Chinook abundance.

The precautionary principle states that lack of full scientific knowledge should not be used as reason to delay, and yet the Workgroup seeks to justify the status quo, or minimal action due to lack of certainty. The report and *Risk Assessment* suggest there is insufficient evidence to link the decline of the SRKW with Chinook abundance, when in fact conclusions from recent studies (“a substantial amount of new information”) led to the current reassessment of the effects of these fisheries on the SRKW.

We urge the Council to adopt an alternative that sets the minimum threshold as high as possible, together with an option that triggers time/area closures to coincide with SRKW critical habitat in winter; with the goal of leaving more Chinook along the outer coasts for foraging orcas—when studies suggest they are prone to losing body condition, which leads to ill-health, failed pregnancies and premature mortality.

The suite of alternatives offered at this time is simply derisory and inadequate, with prime-age animals dying, and few females carrying calves to full-term or with low calf survival beyond one year. Few fishing seasons remain for us to act before these orcas reach functional extinction. This is an opportunity for the Council to be a leader, providing confidence that fishery managers can respond to these threats, and secure a future both for endangered Chinook salmon and the orcas that depend on them.

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