

Orca Task Force Draft Report Review – WRIA 8 Comments

Comments re: general report introduction and background

WRIA 8 commends the Orca Task Force for its work to develop the draft report to identify recommendations to support priority actions to immediately improve conditions for the Southern Resident Orca population.

WRIA 8 supports the Task Force’s vision and goal of “a self-sustaining and resilient population of Southern Resident orcas, thriving in healthy waters”, through ensuring “the ecosystem is healthy and resilient enough to support a thriving Southern Resident orca population” by 1) Restoring sustainable, harvestable Chinook populations; 2) Reducing the impacts of vessel noise and disturbance; and, 3) Reducing the toxicity of the ecosystem

WRIA 8 agrees with the draft report’s characterization of threats to salmon habitat and description of salmon recovery needs, and that we must act with urgency. We concur with the report that extinction of these orcas is not an option.

WRIA 8 supports investing in an ecosystem recovery approach to improving conditions for orcas. Similar to Chinook salmon recovery, recovering the orca requires protecting and restoring the Salish Sea ecosystem.

WRIA 8 agrees salmon recovery ideally involves integrating and coordinating habitat protection and restoration, hatchery management, harvest management, and hydropower management (i.e., “H-Integration”). While the draft report states that salmon recovery is done in such an integrated manner (p. 6), in practice this is not happening in all areas nor to the degree necessary for successful recovery. Progress needs to be made to improve H-Integration in many Puget Sound watersheds and across the state, to make sure recovery actions are working in concert to meet various management and recovery goals.

While partners in WRIA 8 and other watersheds around Puget Sound have diligently worked to implement watershed-based Chinook salmon recovery plans since the Puget Sound Salmon Recovery Plan (Recovery Plan) was completed in 2005, we continue to see a decline in Chinook salmon abundance. The pace of implementing recovery actions has been far slower than called for in the Recovery Plan, largely due to a lack of resources to develop and implement projects.

A 2011 report completed for the Governor’s Salmon Recovery Office and the Council of Regional Salmon Recovery Organizations on funding for salmon recovery in Washington State noted the 2010-2019 estimated costs for recovery of Puget Sound Chinook salmon was \$1.7 billion, but only \$530 million is estimated to be available if all current funding sources were maintained over those ten years. This suggests there is a recovery funding gap of over \$1.1 billion. Given that costs of protecting and restoring salmon habitat have increased since 2011, the funding gap is likely even greater.

At the end of 2017, WRIA 8 completed a 10-year update to its Chinook recovery plan, which includes measurable habitat restoration goals, recovery strategies, and lists of projects and actions to achieve recovery goals. The plan update clearly describes what needs to be done to recover Chinook.

Unless substantially more resources are directed to protecting and restoring salmon habitat, we cannot expect to see significant improvements in Chinook abundance in either the near-term or long-term. These investments are necessary for orca recovery to be successful.

Comments re: recommended actions

GENERAL COMMENTS

Recommendations should be “bold” and prescriptive, clearly stating what needs to change to improve conditions for orcas. Some recommendations appear to be suggestions without specifically identifying what needs to happen or how existing law or policy should change.

In addition to fully funding existing salmon recovery related funding programs, the Governor and legislature should develop a new funding source/mechanism to meaningfully increase funding for salmon habitat protection and restoration beyond existing sources.

HABITAT RECOMMENDATIONS

Potential habitat recommendation 1:

- Governor and legislature should fully fund budget requests for existing capital budget salmon recovery accounts, including Salmon Recovery Funding Board, Puget Sound Acquisition and Restoration Program, Estuary and Salmon Restoration Program, Floodplains by Design and Washington Coast Restoration and Resilience Initiative.
- The recommendation states “[a]dditional state funding should be provided to focus specifically on high priority actions for the Chinook stocks that most benefit Southern Residents for at least 10 years (5 biennia).” Under the current structure for the Salmon Recovery Funding Board and Puget Sound Acquisition and Restoration programs, dollars are distributed to salmon recovery regions and lead entities through an allocation formula that has been in place for many years and is periodically revisited. Does “additional state funding” mean dollars above and beyond the allocation formula, or is this statement implying changes to the existing allocation formula? Changing the regional or lead entity allocations would be contentious and time-consuming, so the Task Force should consider adding money to the allocations in priority areas in a manner identified by the Task Force. The Task Force should avoid taking on adjustments to the existing base-level allocations because of the political challenges in doing so and the urgency of the situation.

Potential habitat recommendation 3:

- WRIA 8 supports the recommendation for the legislature amending the Hydraulic Project Approval authority to enable WDFW to require mitigation for cumulative impacts over time and to implement a precautionary approach, coupled with increased enforcement of regulations.

- It is unclear what the term “regulatory reform package” means or to what types of changes this refers. This recommendation should specifically state the regulatory reforms that need to happen to support Chinook recovery and/or orca recovery.

Potential habitat recommendation 4:

- WRIA 8 supports the recommendation for increasing criminal prosecution of habitat protection and water quality violations, and increased state agency capacity for civil enforcement.

Potential habitat recommendation 5:

- Rather than “revise statutes allowing single family exemptions”, change the wording of this recommendation to be clear that the legislature should remove these statutes from state law (WAC 173 26241) and WDFW’s HPA authority (RCW 77.55.141) if that is the intent of the recommendation, or provide direction on what specific revisions are desired.

Potential habitat recommendation 6:

- Does habitat protection/regulatory reform legislative package cover recommendations 3-5, which would be specific reforms in the proposed package? See comments under recommendation 3.

HATCHERY RECOMMENDATIONS

While WRIA 8 is not a watershed that is targeted for increased hatchery production, we believe it is critical to ensure that any recommendations for increased hatchery production include:

- A recognition of, and coordination/alignment with, Chinook salmon recovery strategies and goals (i.e., H-Integration).
- Objectives and provisions for doing no harm to wild fish recovery.
- Clear, effective monitoring and adaptive management plans and decision-making for increased hatchery production, specifically assessing impacts to wild fish populations and recovery efforts.
- Being coupled with strong support for increased habitat restoration (i.e., support fully funding existing sources, but also seek additional, new funding to meaningfully increase the pace of habitat restoration).

How is proposing to increase hatchery production “...in a manner consistent with wild fish conservation, state and federally adopted recovery plans, and the Endangered Species Act (ESA)” being defined? How should this be done and who is accountable?

PREDATION RECOMMENDATIONS

Potential Predation Recommendation 3: In addition to reclassifying nonnative predatory fish from game fish to invasive species, expand sport reward fishery programs to include these invasive predators.

VESSEL RECOMMENDATIONS

Potential Vessel Recommendation 7: WRIA 8 supports identifying areas from which vessels should be restricted during regular orca migration and foraging periods.