

**Governor Jay Inslee
Office of the Governor**

9-3-2020

Dear Governor Inslee,

We are writing to you as an informal partnership named BOLD, which consists of representatives from Orca Behavior Institute, Orca Network, Salish Sea Ecosystem Advocates and Whale Scout. We originally formed as an advocacy group to help the public digest and understand the Southern Resident Orca Task Force process, and to aid them in submitting informed comments. We have since become involved in additional issues such as the proposed Chehalis River flood retention facility and the Columbia River System Operations (CRSO) process. We were heartened by your recent letters to the Chehalis Basin Board and Washington Department of Ecology regarding the proposed Chehalis dam, and to NOAA regarding the U.S. Navy Training and Testing Activities, as well as your statement last year regarding the approval of the Trans Mountain Pipeline. We appreciate you taking these steps to ensure the safety and health of the Southern Resident orcas, and we are glad to see your continued perseverance and dedication on these issues as the State grapples with immense challenges.

We are asking you to demonstrate the same leadership regarding the recently released CRSO Final Environmental Impact Statement (FEIS). We urge you to contact the U.S. Army Corps of Engineers, Bureau of Reclamation, and Bonneville Power Administration and state that the FEIS does not do enough to restore Columbia Basin salmon for the critically endangered Southern Resident orcas. In addition, we ask you to work with state leaders in Washington, Oregon, and Idaho to find regional solutions to ensure the longevity and recovery of wild salmon and Southern Resident orcas.

More than 59,000 comments were received during the 45-day public comment period for the Environmental Impact Statement, demonstrating the importance of this issue to Washingtonians and other Pacific Northwest residents. Common themes among the comments included that the preferred alternative is not different enough from the status quo, does not do enough for endangered salmon and steelhead, does not do enough to ensure the survival of endangered Southern Resident orcas, and does not adequately address a wide range of issues related to the four Lower Snake River dams. Clearly, the FEIS falls short, and bold leadership is required to make sure this important issue gets the attention and, more importantly, the action it deserves.

The CRSO Final Environmental Impact Statement does little to improve the survival of salmon in the Columbia Basin and further jeopardizes endangered salmon and Southern Resident orcas.

1. **The NMFS Biological Opinion finding that the preferred alternative is “not likely to adversely affect” the endangered Southern Resident killer whales fails to recognize the importance of Columbia Basin Chinook to these orcas.**
 - a. *The NMFS BiOp fails to acknowledge their own science:* The data compiled by NMFS from dedicated surveys, satellite-tagging, and passive acoustic monitoring indicate that the timing of the Southern Residents’ presence near the mouth of the Columbia River coincides with peak spring Chinook salmon returns.¹ NMFS itself has noted this area to be a “high use foraging area,” and approximately 50% of the time spent by the orcas in coastal waters is between Grays Harbor and the Columbia River.²
 - b. *The BiOp fails to recognize the importance of Columbia/Snake River stocks when referencing the Priority Stock Report developed by NMFS and the Washington Department of Fish and Wildlife.* The BiOp does not recognize the caveats and assumptions built into the model, described in the Report itself.³ These include a reflection of the diet of declining Southern Resident killer whales, and no spatial correction factor for sample collection or abundance. It also does not take into account restoration potential of these stocks. NOAA’s own recovery plan for Southern Resident orcas states, “[p]erhaps the single greatest change in food availability for resident killer whales since the late 1800s has been the decline of salmon in the Columbia River basin.”⁴
 - c. *The BiOp fails to adequately consider the health and reproduction rates of SRKWs in relation to nutritional stress.* Photogrammetry analysis on the body condition of individuals, along with fecal hormone analysis on nutritional and reproductive status, provides additional insight into the impacts of prey depletion: the orcas exhibit a decline in body condition between October and May, when they are more likely to be in coastal waters; in recent years, 69% of detected pregnancies have failed, a loss that has been linked to nutritional stress from

¹ Proposed Revision of the Critical Habitat Designation for Southern Resident Killer Whales: Draft Biological Report. National Marine Fisheries Service, September 2019. Available: <https://www.fisheries.noaa.gov/action/critical-habitat-southern-resident-killer-whale>; Hanson, M.B., C.K. Emmons, and E.J. Ward. 2013. Assessing the coastal occurrence of endangered killer whales using autonomous passive acoustic recorders. *J. Acoustic Soc. Am.* 134(5) 3486-3495; See also National Marine Fisheries Science Center data and reports on Southern Resident tagging project, <https://tinyurl.com/vj4dcbs>.

² Hanson, M.B., E.J. Ward, C.K. Emmons, and M.M. Holt. 2018. Modeling the occurrence of endangered killer whales near a U.S. Navy Training Range in Washington State using satellite-tag locations to improve acoustic detection data. Prepared for: U.S. Navy, U.S. Pacific Fleet, Pearl Harbor, HI. Prepared by: National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center under MIPR N00070-17-MP-4C419. 8 January 2018; Proposed Revision of the Critical Habitat Designation for Southern Resident Killer Whales: Draft Biological Report. National Marine Fisheries Service, September 2019. Available: <https://www.fisheries.noaa.gov/action/critical-habitat-southern-resident-killer-whale>

³ NOAA Fisheries West Coast Region and WDFW “Southern Resident Killer Whale Priority Chinook Stocks Report.” June 22, 2018. Available:

https://archive.fisheries.noaa.gov/wcr/publications/protected_species/marine_mammals/killer_whales/recovery/srkw_priority_chinook_stocks_conceptual_model_report__list_22june2018.pdf; See NOAA Fisheries “Chinook Salmon” <https://www.fisheries.noaa.gov/species/chinook-salmon-protected>.

⁴ National Marine Fisheries Service 2008. “Recovery Plan for Southern Resident Killer Whales (*Orcinus orca*).”

variations in inland and coastal salmon abundance, particularly from the Columbia Basin.⁵

- d. According to the NMFS BiOp, “Chinook salmon appear to remain the most important component of the diet for the K and L pods that occupy outer coastal waters during this period (Hanson et al., in review). Southern Residents from the K and L pods occur off the Columbia River in March (Hanson et al. 2013), emphasizing the importance of fish from Mid/Upper Columbia River and LCR spring-run Chinook salmon populations in the diet during later winter and early spring (Hanson et al., in review).” In recent years, Southern Resident orcas are spending much more time at Swiftsure Bank during the summer months, where all three pods are likely encountering Columbia Basin fish.

2. The NMFS BiOp concludes that hatchery produced Chinook salmon offset any losses caused by dams in the Columbia Basin.

- a. Historical levels of abundance of salmon are what the whales need to thrive. Hatchery produced fish are not appropriate to sustain a population of wild killer whales for various reasons including lack of stable genetic diversity and dependence on human technologies and budgets. Please take into account that hatchery fish could still be produced during and after dam breaching for a period of time while natural runs strengthen.
- b. The BiOp states that “in terms of the overall abundance of Chinook salmon available to Southern Resident killer whales for prey, numbers of adults from the Snake River Basin (including both hatchery and wild produced fish) are now greater than they were in the 1960s, before three of the four lower Snake River dams were built.”

However, a 1991 review of run size for Snake River spring and summer Chinook stated that “historic runs in the Snake River probably exceeded 1 million fish annually in the late 1800s.” By the mid-1900s they had started to decline and since the 1960s, counts of spring and summer Chinook salmon adults have declined considerably at the lower Snake River dams, reaching a low of 2200 fish at Ice Harbor dam in 1995. ⁶

Link to full presentation:

<https://www.fws.gov/lsnakecomplan/Meetings/2013%20Fall%20Chinook%20Symposium/Aug%206%20Presentations/2-Schuck%20SRFC%20Historical%20Review.pdf>

⁵ Fearnbach, H. et al. 2018. “Using aerial photogrammetry to detect changes in body condition of endangered southern resident killer whales.” *Endang Species Res* 35:175-180. <https://doi.org/10.3354/esr00883>; Wasser S.K. et al. 2017. “Population growth is limited by nutritional impacts on pregnancy success in endangered Southern Resident killer whales (*Orcinus orca*).” *PLoS ONE* 12(6): e0179824, <https://doi.org/10.1371/journal.pone.0179824>

⁶ Matthews and Waples 1991. " From Idaho Fish and Game. [https://idfg.idaho.gov/ifwis/cwcs/pdf/Chinook%20Salmon%20\(Snake%20River%20spring_summer%20run\).pdf](https://idfg.idaho.gov/ifwis/cwcs/pdf/Chinook%20Salmon%20(Snake%20River%20spring_summer%20run).pdf)

3. **The FEIS fails to take steps toward Columbia River salmon recovery and recommend breaching the Lower Snake River dams.** Snake River dam breaching plus increased spill over the Columbia River dams represents the best chance of recovery for Snake River salmon and for Southern Resident orcas. The benefits of dam breaching were demonstrated in a February 2020 white paper entitled [Southern Resident Killer Whales & Columbia/Snake River Chinook: A Review Of The Available Scientific Evidence](#) which was written by five PhDs and submitted earlier this year.⁷ Governor Brown and other state leaders are stepping up to endorse finding solutions that will include breaching the four Lower Snake River dams; we ask that you make this bold statement as well.

In conclusion, we are concerned that the NMFS BiOp simply repeats the status quo and does little more than incorporate the interim agreement for increased spill. While this agreement is a positive step for salmon, it is not enough to result in the salmon recovery needed for the survival of Southern Resident orcas. We do not want to see the time and effort of the Task Force's Stakeholder process wasted. We encourage you to continue to seek joint efforts where state leaders in Washington, Oregon, and Idaho find regional solutions to ensure the longevity and recovery of wild salmon and Southern Resident orcas. This should include regional support for a dam removal plan and support for stakeholders as they transition to a free-flowing Snake River.

Sincerely,

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Susan Andersson, Salish Sea Ecosystem Advocates
Monika Wieland Shields, Orca Behavior Institute
Whitney Neugebauer, Whale Scout

⁷ Bain, Giles, Filardo, Schaller, and Williams. Southern Resident Killer Whales & Columbia/Snake River Chinook: A Review Of The Available Scientific Evidence. 2020.