NATIONAL MARINE FISHERIES SERVICE REPORT ON SOUTHERN RESIDENT KILLER WHALE ENDANGERED SPECIES CONSULTATION

Draft Proposed Southern Resident Killer Whale (SRKW) Ad Hoc Workgroup Terms of Reference

1. Purpose

- The purpose of the ad hoc SRKW Workgroup (Workgroup) is to reassess the effects of Pacific Fishery Management Council (PFMC, or Council) ocean salmon fisheries on SRKW and potentially recommend conservation measure(s) or management tool(s), that limit PFMC fishery impacts on Chinook salmon prey availability for SRKW.
- NMFS is reinitiating consultation on PFMC salmon fisheries relative to their effects on SRKW; therefore, the need for the proposed reassessment and potential conservation measure(s) or management tool(s) is to determine whether, and ensure that, the Council's salmon harvest management measures do not jeopardize the continued existence of SRKW in light of new information available on SRKW and their prey since the previous consultation was completed in 2009.
- The Workgroup's analyses and the Council's recommendations will provide information necessary for NMFS' Endangered Species Act (ESA) consultation and National Environmental Policy Act (NEPA) analysis.

2. Membership

- The Workgroup will be established by Council.
- Membership should include representatives from:
    - Pacific Fishery Management Council staff
    - National Marine Fisheries Service WCR, NWFSC, and SWFSC
    - Tribal membership
    - California Department of Fish and Wildlife
    - Oregon Department of Fish and Wildlife
    - Washington Department of Fish and Wildlife
    - Idaho Department of Fish and Game
- The Workgroup will choose from among its members a Chair and a Vice-Chair. The Council will be responsible for administrative and logistical support. The Vice-Chair will act in instances where the Chair is unavailable.

3. Milestones

- Collect and summarize relevant information regarding the status of SRKW.
    - Describe temporal and spatial overlap of the Council salmon fisheries and SRKWs.
    - ✓ Identify the priority Chinook salmon prey stocks that contribute to Council salmon fisheries.
    - Describe development of analyses for other salmon fishery evaluations, including a framework proposed in another geographic area (e.g., Puget Sound), relative to interactions and considerations of SRKW.
- After evaluating the new information, reassess the effects of Council salmon fisheries on SRKW, and, if warranted, develop a range of alternatives that are responsive to the status of SRKW.
- Develop a preferred alternative that can be recommended for adoption by the Council and to NOAA Fisheries for ESA review by November 20, 2019.

4. Timeline

- Pre-meet: Council initiates development of Workgroup
    - ✓ Agenda item scheduled to scope Workgroup assignment and engagement (Council April Agenda 2019);
    - invitations need to be sent to participating parties;
    - NOAA (WCR and FSC) staff participants assigned and ready to engage (4-6 staff [2 – 3 from the region and science center respectively, or contractors or details in place] successful implementation will require permanent staff to engage and carry through into the future);
    - FR notice of time/location of first workgroup meetings finalized (Council staff), Workgroup meetings will be open to public.

- **May 2019**: initial meeting
    - introductions;
    - Review purpose of Workgroup
    - establish ground rules and operating procedures
    - develop proposed timeline;
    - selection of Chair and Vice-Chair;
    - NMFS presentation of current SRKW status and available information, including analyses for other salmon fishery evaluations, describing a framework proposed in another geographic area (e.g., Puget Sound) and criteria used to evaluate risk to SRKW followed by group discussion;
    - group discussion to identify data gaps and provide ideas to help identify criteria and methodology that would be used in the risk analysis evaluating effects of the Council fisheries on SRKW in preparation for the next meeting;
    - date/location confirmed for next meeting, FR notice of time/location (Council staff).

- **July 2019**: second meeting (*compressed timeframe may require webinar*)
    - updates/additional status information provided to address data gaps and questions identified at May meeting;

- discussion about criteria and methodology developed from first meeting;
- group assignment to begin drafting risk analysis report for current PFMC fishery structure based on evaluation criteria agreed upon to determine if further conservation measure(s) or management tool(s) are warranted;
- Begin scoping possible conservation measure(s) or management tool(s) to propose based on the evaluation criteria developed for the risk analysis. Expect to have proposal(s) presented at the September Council meeting if needed;
- date/location confirmed for next meeting, FR notice of time/location (Council staff).

- **September (11-18, 2019 Council meeting)**: third meeting
  - Draft risk analysis report for current PFMC management is available for review.
  - If warranted, development of additional conservation measure(s) or management tool(s), or refinement of current management strategy would begin in the form of Alternatives,
  - Alternatives would be developed by the Workgroup and based on the findings of the draft risk analysis report. The scoping exercise performed at the July Workgroup meeting will help guide potential alternative development.
  - discussion if suite of alternatives is adequate/possible revision of alternatives,
    - IF alternatives are added based on initial draft risk analysis report, these items will all repeat during next meeting;
  - group assignment to update draft risk analysis report accordingly per third meeting discussions;
  - group assignment to present alternatives and draft risk analysis report to each parties' respective constituency; schedule meeting to present to Council's Salmon Advisory Subpanel (SAS) and Council's Scientific and Statistical Committee (SSC) for simultaneous preliminary reviews;
  - Chair and Vice-Chair present range of alternatives, and draft risk assessment report to PFMC;
  - date/location confirmed for next meeting, FR notice of time/location (Council staff).

- **September (last week) / October 2019 (first week sometime)**: fourth meeting (*compressed timeframe may require webinar*)
  - discuss Council direction provided at September Council meeting;
    - update alternatives based on Council guidance and provide revised information to the SAS, SSC, and other tribal or state input sources outside Workgroup;
  - group assignment to revise draft risk analysis report for updated alternatives per external recommendations;
  - group assignment to present alternatives and revised risk analysis report to each parties' respective constituency via webinar;
  - Workgroup develops its recommendation(s) to PFMC for consideration in selection of a preferred alternative;
  - NMFS WCR begins drafting appropriate NEPA documents related to federal action;
  - date/location confirmed for next meeting, FR notice of time/location (Council staff).

- **November (13-20, 2019 Council meeting)**: fifth meeting
  - final questions and input provided to Council from advisory bodies and public;
  - potential Workgroup assignment to revise alternative based on input provided to Council from the advisory bodies and/or public at the November meeting.

- The Council recommends its adoption of a preferred alternative recommendation and transmits to NMFS via signed letters for Section 7 consultation.

- **Spring 2020**
  - Council uses preferred alternative during March 2020 development of salmon fishery alternatives awaiting outcome of regulatory documents;
  - ESA and NEPA documents finalized by April 2020 in time for promulgation of 2020 management measures.