



**UNITED STATES DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE

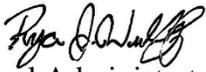
West Coast Region

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Sacramento, California 95814

April 12, 2019

TO: Chris Yates  
Assistant Regional Administrator  
for Protected Resources

FROM: Ryan J. Wulff   
Assistant Regional Administrator  
for Sustainable Fisheries

SUBJECT: Reinitiation of Endangered Species Act 7(a)(2) consultation on  
the effects of the Pacific Coast Salmon Plan on the Southern  
Resident Killer Whale (*Orcinus orca*) Distinct Population  
Segment

I am requesting the reinitiation of a Section 7 consultation under the Endangered Species Act (ESA) to consider the effects of the fisheries managed by the National Marine Fisheries Service (NMFS) and the Pacific Fishery Management Council under the Pacific Coast Salmon Fishery Management Plan (FMP) on the Southern Resident Killer Whale (*Orcinus orca*) Distinct Population Segment.

On May 5, 2009, NMFS issued the current biological opinion (ESA Section 7(a)(2) Biological Opinion: Effects of the Pacific Coast Salmon Plan on the Southern Resident Killer Whale (*Orcinus orca*) DPS) which concluded that the proposed action is not likely to jeopardize the continued existence of the Southern Resident killer whale DPS or adversely modify its critical habitat. The incidental take statement for this opinion, signed May 5, 2009, remains in effect during the reinitiated consultation. In this case, NMFS is the action agency and the consulting agency for the consultation.

Chinook salmon, the whales' primary prey, are important to SRKW survival and recovery. Any activities that affect the abundance of Chinook salmon available to SRKW, such as the salmon fisheries managed under the FMP, have the potential to impact the survival and population growth of the whales. Since the 2009 consultation was completed, a substantial amount of new information is available on SRKW and their prey. Over the last decade, the SRKW population has declined from 87 whales down to an historical low of 74 whales, and future projections under status quo conditions suggest a continued decline over the next 50 years (NMFS 2016). In 2018, NMFS worked



with the Washington Department of Fish and Wildlife (WDFW) and other partners to develop a framework to identify Chinook salmon stocks that are important to SRKW to assist in prioritizing actions to increase critical prey for the whales<sup>1</sup>. The framework gives extra weight to salmon runs that have high overlap spatially and temporally with SRKW, and have been documented as part of their diet, especially during winter when the whales may have a harder time finding sufficient food.

## **Process**

We have begun discussions with the Pacific Fishery Management Council regarding reassessment of the effects of the salmon fisheries on SRKW and, as needed, development of management measures and technical tools to address those effects. We anticipate that these discussions and the associated technical work<sup>2</sup> will inform the reinitiated consultation.

## **Summary**

Although the fisheries under Pacific Coast Salmon Plan remain in compliance with the terms and conditions for SRKW in the 2009 biological opinion, new information regarding the status of SRKW and potentially the effects of fisheries on the whales, as outlined above, warrants reinitiation of consultation.

If there are any questions or additional information is needed, please contact Susan Bishop at 206-526-4587 or via email at [susan.bishop@noaa.gov](mailto:susan.bishop@noaa.gov).

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<sup>1</sup> [https://www.westcoast.fisheries.noaa.gov/stories/2018/18\\_07182018\\_prioritized\\_salmon\\_stocks\\_for\\_srkw\\_recovery.html](https://www.westcoast.fisheries.noaa.gov/stories/2018/18_07182018_prioritized_salmon_stocks_for_srkw_recovery.html)

<sup>2</sup> [https://www.pcouncil.org/wp-content/uploads/2019/04/F3a\\_Supp\\_NMFS\\_Rpt1\\_APR2019BB.pdf](https://www.pcouncil.org/wp-content/uploads/2019/04/F3a_Supp_NMFS_Rpt1_APR2019BB.pdf)