Revised 05/31/2023

KILLER WHALE (*Orcinus orca*): Eastern North Pacific Southern Resident Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Killer whales occur in all oceans and seas (Leatherwood and Dahlheim 1978). Although they occur in tropical and offshore waters, killer whales prefer the colder waters of both hemispheres, with greatest abundances found within 800 km of major continents (Mitchell 1975, Forney and Wade 2006). Along the west coast of North America, killer whales occur along the entire Alaskan coast (Braham and Dahlheim 1982, Hamilton *et al.* 2009), in British Columbia and Washington inland waterways (Bigg *et al.* 1990), and along the outer coasts of Washington, Oregon and California (Hamilton *et al.* 2009). Seasonal and year-round occurrence is documented for killer whales throughout Alaska (Braham and Dahlheim 1982) and in the intracoastal waterways of British Columbia and Washington, where three ecotypes have been recognized: 'resident', 'transient' and 'offshore' (Bigg *et al.* 1990, Ford *et al.* 1994), based on aspects of morphology, ecology, genetics and behavior (Ford and Fisher 1982; Baird and Stacey 1988; Baird *et al.* 1992, Hoelzel *et al.* 1998, Morin *et al.* 2010, Ford *et al.* 2014). Genetic studies of killer whales globally suggest that residents and transient ecotypes warrant subspecies recognition (Morin *et al.* 2010) and each are currently listed as unnamed subspecies of *Orcinus orca* (Committee on Taxonomy 2018).

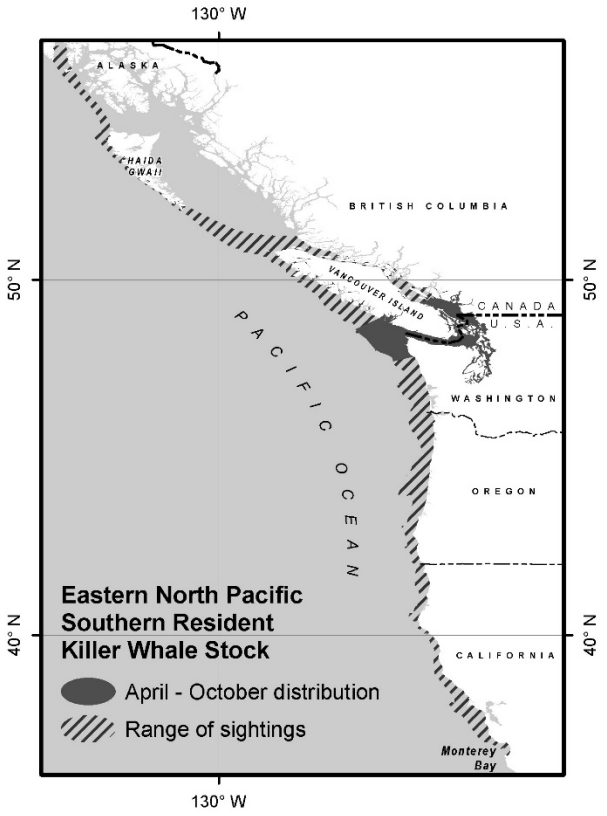

Figure 1. Approximate April - October distribution of the Eastern North Pacific Southern Resident killer whale stock (shaded area) and range of sightings (diagonal lines).

The range of southern resident killer whales is described in the biological report for the Revision of the Critical Habitat Designation for Southern Resident Killer Whales (NMFS 2021a, 2021b): "The three pods of the Southern Resident DPS, identified as J, K, and L pods, reside for part of the year in the inland waterways of Washington State and British Columbia known as the Salish Sea (Strait of Georgia, Strait of Juan de Fuca, and Puget Sound), principally during the late spring, summer, and fall (Ford et al. 2000, Krahn *et al*. 2004). The whales also occur in outer coastal waters, primarily in winter, off Washington and Vancouver Island, especially in the area between Grays Harbor and the Columbia River, and off Westport, WA (Ford et al. 2000, Hanson *et al*. 2017), but have been documented as far south as central California and as far north as the Southeast Alaska. Although less is known about the whales' movements in outer coastal waters, satellite tagging, opportunistic sighting, and acoustic recording data suggest that Southern Residents spend nearly all of their time on the continental shelf, within 34 km (21.1 mi) of shore in water less than 200 m (656.2 ft) deep (Hanson *et al*. 2017)." Details of their winter range from satellite-tagging reveal whales use the entire Salish Sea (northern end of the Strait of Georgia and Puget Sound) in addition to coastal waters from the central west coast of Vancouver Island, British Columbia to Pt. Reyes in northern California. Animals from J pod were documented moving between the northern Strait of Georgia and the western entrance of the Strait of Juan de Fuca, with limited movement into coastal waters. In contrast, K and L pod movements were characterized by a coastal distribution from the western entrance to the Strait of Juan de Fuca to Pt. Reyes California (Hanson *et al*. 2017). Of the three pods comprising this stock, one (J) is commonly sighted in inshore waters in winter, while the other two (K and L) apparently spend more time offshore (Ford *et al.* 2000). Krahn *et al*. (2009) described sample pollutant ratios from K and L pod whales that were consistent with a hypothesis of time spent foraging in California waters, which is consistent with sightings of K and L pods as far south as Monterey Bay. In June 2007, whales from L-pod were sighted off Chatham Strait, Alaska, the farthest north they have ever been documented (J. Ford, pers. comm.). Southern resident killer whale attendance in their core summer habitat in the Salish Sea appears to be declining, with occurrence well-below average since 2017 (Center for Whale Research 2019). Passive autonomous acoustic recorders have provided more information on the

seasonal occurrence of these pods along the west coast of the U.S. (Hanson *et al.* 2013). In addition, satellite-linked tags were deployed in winter months on members of J, K, and L pods. Results were consistent with previous data, but provided much greater detail, showing wide-ranging use of inland waters by J Pod whales and extensive movements in U.S. coastal waters by K and L Pods.

Based on data regarding association patterns, acoustics, movements, genetic differences and potential fishery interactions, eight killer whale stocks are recognized within the Pacific U.S. EEZ: 1) the Eastern North Pacific Alaska Resident stock - occurring from Southeast Alaska to the Bering Sea, 2) the Eastern North Pacific Northern Resident stock - occurring from British Columbia through Alaska, 3) the Eastern North Pacific Southern Resident stock - occurring mainly within the inland waters of Washington State and southern British Columbia but extending from central California into southern Southeast Alaska (see Fig. 1), 4) the West Coast Transient stock - occurring from Alaska through California, 5) the Gulf of Alaska, Aleutian Islands, and Bering Sea Transient stock - occurring from southeast Alaska to the Bering Sea, 6) the AT1 Stock – found only in Prince William Sound, 7) the Eastern North Pacific Offshore stock - occurring from Southeast Alaska through California, 8) the Hawaiian stock. The Stock Assessment Reports for the Alaska Region contain information concerning the Eastern North Pacific Alaska Resident, Eastern North Pacific Northern Resident and the Gulf of Alaska, Aleutian Islands, and Bering Sea, AT1, and Eastern North Pacific Transient stocks.

POPULATION SIZE

The Eastern North Pacific Southern Resident stock is a trans-boundary stock including killer whales in inland Washington and southern British Columbia waters. In 1993, the three pods comprising this stock totaled 96 killer whales (Ford *et al.* 1994). The population increased to 99 whales in 1995, then declined to 79 whales in 2001, and most recently numbered 74 whales in 2021 (Fig. 2; Ford *et al.* 2000; Center for Whale Research 2021). The most recent census spanning 1 July 2020 through 1 July 2021 includes three new calves (J57, J58, L125), the death of a post-reproductive female, but does not include the death of an adult male in late summer of 2021, or two calves born in early 2022.

Minimum Population Estimate

The abundance estimate for this stock of killer whales is a direct count of individually identifiable animals. It is thought that the entire population is censused every year. This estimate therefore serves as both a best estimate of abundance and a minimum estimate of abundance. Thus, the minimum population estimate (N_{min}) for the Eastern North Pacific Southern Resident stock of killer whales is 74 animals.

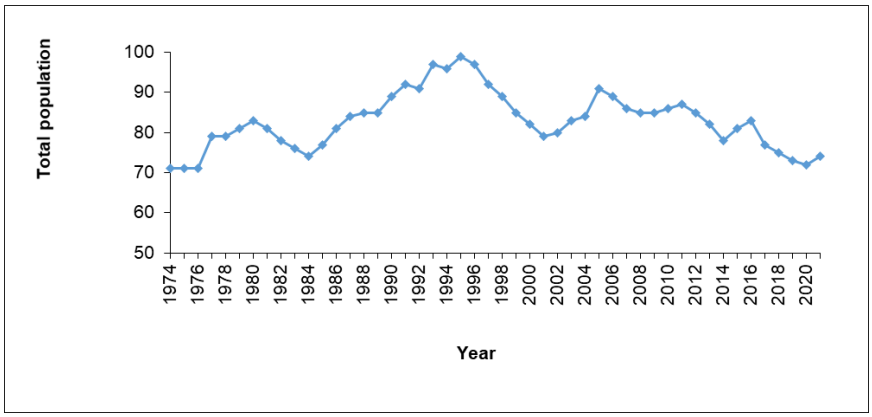

Figure 2. Population of Eastern North Pacific Southern Resident stock of killer whales, 1974-2021. Each year's count includes animals first seen and first missed; a whale is considered first missed the year after it was last seen alive (Ford *et al.* 2000; Center for Whale Research 2021).

Current Population Trend

During the live-capture fishery that existed from 1967 to 1973, it is estimated that 47 killer whales, mostly immature, were taken out of this stock (Ford *et al.* 1994). Since the first complete census of this stock in 1974 when 71 animals were identified, the number of southern resident killer whales has fluctuated. Between 1974 and the mid-1990s, the Southern Resident stock increased approximately 35% (Ford *et al.* 1994), representing a net annual growth rate of 1.8% during those years. Following the peak census count of 99 animals in 1995, the population size has declined approximately 1% annually and currently stands at 74 animals as of the 2021 census (Ford *et al.* 2000; Center for Whale Research 2021).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

A reliable estimate of the maximum net productivity rate is currently unavailable for this stock of killer whales. Matkin *et al.* (2014) estimated a maximum population annual growth rate of 1.035 for southern Alaska resident

killer whales. The authors noted that the 3.5% annual rate estimated for southern Alaska residents is higher than previously measured rates for British Columbia northern residents (2.9%, Olesiuk *et al.* 1990) and "probably represents a population at r-max (maximum rate of growth)." In the absence of published estimates of R_{max} for southern resident killer whales, the maximum annual rate of 3.5% found for southern Alaska residents is used for this stock of southern resident killer whales. This reflects more information about the known life history of resident killer whales than the default R_{max} of 4% and results in a more conservative estimate of potential biological removal (PBR).

POTENTIAL BIOLOGICAL REMOVAL

The potential biological removal (PBR) level for this stock is calculated as the minimum population size (74) times one-half the maximum net growth rate for *Alaska* resident killer whales (½ of 3.5%) times a recovery factor of 0.1 (for an endangered stock, Wade and Angliss 1997), resulting in a PBR of 0.13 whales per year, or approximately 1 animal every 7 years.

HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Fisheries Information

The only known case of southern resident killer whale mortality due to fisheries is an adult male, L8, who entangled in gillnet fishing gear and drowned in 1977 (Center for Whale Research 2015). The entanglement occurred near southeastern Vancouver Island (Ford *et al*. 1998), and upon necropsy two pounds of recreational fishing lures and lines were found in the stomach. It was noted that some of the fishing gear found did not appear to be used locally at the time and the ingestion of the gear did not cause the death of the animal. Salmon drift gillnet fisheries in Washington inland waters were last observed in 1993 and 1994 and no killer whale entanglements were documented, though observer coverage levels were less than 10% (Erstad *et al.* 1996, Pierce *et al.* 1994, Pierce *et al.* 1996, NWIFC 1995). Fishing effort in the inland waters drift gillnet fishery has declined considerably since 1994 because far fewer vessels participate today. Past marine mammal entanglements in this fishery included harbor porpoise, Dall's porpoise, and harbor seals. Coastal marine tribal set gillnets also occur along the outer Washington coast and no killer whale interactions have been reported in this fishery since the inception of the observer program in 1988, though the fishery is not active every year (Gearin *et al.* 1994, Gearin *et al.* 2000, Makah Fisheries Management). No fishery-related mortality from gillnet fisheries in California waters was documented between 2015-2020 (Carretta 2021, Carretta *et al.* 2021, Carretta *et al*. 2022).

An additional source of information on killer whale mortality and injury incidental to commercial fishery operations is the self-reported fisheries information required of vessel operators by the MMPA. No self-report records of killer whale mortality have been reported.

In 2015, J39, a young male southern resident killer whale, was found near False Bay, WA, with a recreational salmon flasher dangling from its mouth (Center for Whale Research, 2015). The whale was seen five days later without the gear attached and appeared energetic. The whale was monitored over the following weeks and there was no evidence of injury or behavioral changes (Center for Whale Research, 2015).

Due to a lack of observer programs, there are few data concerning the mortality of marine mammals incidental to Canadian commercial fisheries. Since 1990, there have been no reported fishery-related strandings of killer whales in Canadian waters. However, in 1994 one killer whale was reported to have contacted a salmon gillnet but did not entangle (Guenther *et al.* 1995). In 2014 a northern resident killer whale became entangled in a gillnet, was released from the net, but died the next winter (Fisheries and Oceans Canada 2018). Data regarding the level of killer whale mortality related to commercial fisheries in Canadian waters are not available.

The known total fishery mortality and serious injury for the southern resident stock of killer whales is zero, but undetected mortality and serious injury may occur.

Other Mortality

In 2012, a moderately decomposed juvenile female southern resident killer whale (L-112) was found dead near Long Beach, WA. A full necropsy was performed and the cause of death was determined to be blunt force trauma to the head, however the source of the trauma (vessel strike, intraspecific aggression, or other unknown source) could not be established (NOAA 2014). There was documentation of a whale-boat collision in Haro Strait in 2005 which resulted in a minor injury to a whale. In 2006, whale L98 was killed during a vessel interaction. It is important to note that L98 had become habituated to regularly interacting with vessels during its isolation in Nootka Sound. In spring 2016, a young adult male, L95, was found to have died of a fungal infection related to a satellite tag deployment approximately 5 weeks prior to its death. The expert panel reviewing the stranding noted that "the tag loss, tag petal retention with biofilm formation or direct pathogen implantation, and development of a fungal infection at the tag site contributed to the illness, stranding, and death of this whale." (NMFS 2016). In fall 2016 another young adult male, J34, was found dead in the northern Georgia Strait. The necropsy indicated that "the animal had injuries consistent

with blunt trauma to the dorsal side, and a hematoma indicating that it was alive at the time of injury and would have survived the initial trauma for a period of time prior to death" (Fisheries and Oceans Canada 2019). The injuries are consistent with those incurred during a vessel strike. A recent summary of killer whale strandings in the northeastern Pacific Ocean and Hawaii noted the occurrence of human interactions across all age classes (Raverty et al. 2020).

Habitat Issues

A population viability analysis identified several risk factors to this population, including limitation of preferred Chinook salmon prey, anthropogenic noise and disturbance resulting in decreased foraging efficiency, and high levels of contaminants, including PCBs and DDT (Ebre 2002, Clark *et al.* 2009, Krahn *et al.* 2007, 2009, Lacy *et al.* 2017). The summer range of this population, the inland waters of Washington and British Columbia, are home to a large commercial whale watch industry, and high levels of recreational boating and commercial shipping. Potential for acoustic masking effects on the whales' communication and foraging due to vessel traffic remains a concern (Erbe 2002, Clark *et al.* 2009, Lacy *et al.* 2017, Holt *et al*. 2021a, b). In 2011, vessel approach regulations were implemented to restrict vessels from approaching closer than 200m. A genetic study of diet of southern resident killer whales from fecal remains collected during 2006-2011 noted that salmonids accounted for >98.6% of genetic sequences (Ford *et* al. 2016). Of six salmonid species documented, Chinook salmon accounted for 79.5% of the sequences, followed by coho salmon (15%). Chinook salmon dominate the diet in early summer, with coho salmon averaging >40% of the diet in late summer. Sockeye salmon were also found to be occasionally important (>18% in some samples). Non-salmonids were rarely observed. These results are consistent with those obtained from surface prey remains, and confirm the importance of Chinook salmon in this population's diet. These authors also noted the absence of pink salmon in the fecal samples. Prior studies note the prevalence of Chinook salmon in the killer whale diet, despite the relatively low abundance of this species in the region, supporting the thesis that southern resident killer whales are Chinook salmon specialists (Ford and Ellis 2006, Hanson *et al.* 2010). Recent studies of diet in other seasons and regions of their range indicate that although Chinook represent a major component of their diet almost year-round, other species also make potentially important contributions, likely when Chinook are less available (Hanson *et al*. 2021). There is evidence that reduced abundance of Chinook salmon has negatively affected this population via reduced fecundity (Ayres *et al*. 2012, Ford *et al.* 2009, Ward *et al.* 2009, Wasser *et al.* 2017). Studies on body condition and sizes of southern resident killer whales using aerial photogrammetry (Fearnbach *et al*. 2011, Fearnbach *et al*. 2018, Stewart *et al*. 2021) reflect hypotheses between Chinook salmon abundance and killer whale body condition and overall body size. In some cases (J-Pod), Chinook abundance was found to have the greatest predictive power on southern resident body condition, while this relationship was absent for K-Pod (Stewart *et al*. 2021). In other studies (Fearnbach *et al*. 2011), authors suggest that nutritional stress is linked to a longer term decrease in body size in the population. In addition, the high trophic level and longevity of the population has predisposed them to accumulate high levels of contaminants that potentially impact health (Krahn *et al.* 2007, 2009). In particular, there is evidence of high levels of flame retardants in young animals (Krahn *et al.* 2007, 2009). High DDT/PCB ratios have been found in Southern Resident killer whales, especially in K and L pods (Krahn *et al.* 2007, NMFS 2019b), which spend more time in California waters where DDTs still persist in the marine ecosystem (Sericano *et al*. 2014).

STATUS OF STOCK

Total documented annual fishery mortality and serious injury for this stock from 2015-2020 (zero) is not known to exceed 10% of the calculated PBR (0.13). Given the low PBR level, a single undetected / undocumented fishery mortality or serious injury would exceed 10% of the PBR, thus it is unknown if fishery mortality and serious injury is approaching zero mortality and serious injury rate. The documented annual level of human-caused mortality and serious injury for the most-recent 5-year period includes the death of L95 (fungal infection related to a satellite-tag) and J34 (vessel strike), or 0.4 whales annually, which exceeds the PBR (0.13). Southern Resident killer whales were formally listed as "endangered" under the ESA in 2005 and consequently the stock is automatically considered as a "strategic" stock under the MMPA. This stock was considered "depleted" (68 FR 31980, May 29, 2003) prior to its 2005 listing under the ESA (70 FR 69903, November 18, 2005).

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