

October 26, 2021

The Honorable Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504

Dear Governor Inslee,

Based on the recent tragic reports that L47 (“Marina”) is missing and likely dead after not being sighted by researchers since February, the Center for Biological Diversity and Orca Relief Citizens’ Alliance request immediate executive action to protect the critically endangered Southern Resident killer whales.

Marina’s importance in the social structure of the Southern Residents cannot be emphasized enough. She was 47 years old at the time of her presumed death and had mothered seven calves. Marina served a vital role as both a mother and grandmother and her loss will have grave impacts on her family and the societal structure at large. In Marina’s absence, the chance that her offspring will survive is greatly diminished and her grandchildren’s chances of survival even more slim.¹ The Southern Residents’ odds of survival decrease even further as availability of salmon – their primary source of prey – become scarcer.² This tragic death and the three currently pregnant endangered orcas require significantly heightened restrictions. We cannot afford to lose any more of these whales, much less whole family groups.

To provide as much protection as possible against the social and demographic consequences of Marina’s death, and with an understanding of the interplay of those consequences with the pregnant females and the already dire situation of this species, **we ask you to implement the following emergency actions, to the extent of your authority, through executive order:**

- **Prohibit the approach of any vessel within 0.5 nautical miles of any Southern Resident killer whale.**³ This prohibition is consistent with the Washington Department of Fish and Wildlife’s emergency rule for all motorized commercial whale watching vessels. However, it must be extended to all vessels to give the Southern Residents as much protection against vessel noise and disturbance as possible in their highly vulnerable state.
- **Extend the no-go zone off the west side of San Juan Island to all non-tribal vessels.** As codified, the current no-go zone pertains only to commercial whale watching vessels. Extending this to include any type of vessels will allow the Southern Residents unfettered access to this important foraging area.
- **Immediately close all state-managed salmon fisheries in Washington waters.**⁴ When prey is scarce, older whales that are no longer of reproductive age serve critical roles.⁵ Without Marina it is necessary to stave off any potential negative consequences by giving the whales the best possible chance to forage for food.

¹ Natrass *et al.* (2019).

² *Id.*

³ See generally Bubac *et al.* 2020; Fraser 2020; Holt *et al.* (2021).

⁴ See generally Bain *et al.* 2020; Hanson *et al.* (2021); Jensen *et al.* (2020); Stewart *et al.* (2021).

⁵ Natrass *et al.* (2019).

As you are well aware based on your consistent commitment to the Southern Residents, we are almost out of time. This most recent grievous news makes the situation all the more dire and these immediate actions are necessary to provide these whales with a chance of survival. The whales and your constituents cannot afford to wait and see what happens without these measures and we strongly urge you to act now.

Sincerely,

Sophia Ressler

Staff Attorney

Center for Biological Diversity

Janet Thomas

Executive Director

Orca Relief Citizens' Alliance

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