

March 22, 2005

Chief, Protected Resources Division
525 NE Oregon Street, Suite 500
Portland, OR 97232-2737
Submitted by e-mail to SRKWstatus.nwr@noaa.gov

Re: Comments on Proposed Threatened Status for Southern Resident Killer Whales
Docket Number 041213348-4348-01

Dear Chief:

I am writing in support of listing the Southern Resident Killer Whales as *endangered* rather than threatened under the Endangered Species Act. We support this designation because the Southern Resident Killer Whales represent a unique and distinct population segment, estimates of their population viability show a high likelihood of future extinction, and current protection measures for the whales and their habitat are likely inadequate to prevent extinction.

The Southern Resident killer whales consist of three pods with little or no interaction with other killer whales. They have a distinct language and appear to be both reproductively and culturally isolated from the Northern Resident Killer Whales and the transients that visit Washington waters. There is no evidence of "recruitment" of members from other orca pods. And if the Southern Resident killer whales were to become extinct, it is unlikely that the Northern Resident population would expand to fill the space, as the Northern Resident population is also under serious duress and is listed by Canada as a species at risk.

As noted in the federal register notice, there are fewer than 90 Southern Resident killer whales. This is an extremely small population number for a species with a low reproductive rate. The population viability analysis conducted by the biological review team shows how vulnerable this population is to a catastrophic event like an oil spill or disease. And salmon, which are such a defining element of the Southern Resident's diet, are themselves listed under the Endangered Species Act.

An "Endangered" listing will demonstrate the severity of the threat facing these whales and the level of seriousness of our response and allow NOAA-Fisheries to develop a recovery plan that takes all necessary actions to permanently protect these magnificent whales.

While the State of Washington has listed killer whales as endangered, the range of the Southern Resident killer whales extends far beyond the borders of the State. Federal protection through the Endangered Species Act will give us recovery tools beyond those available through the Marine Mammal Protection Act and state and Canadian authorities. Again, I urge you to list the Southern Resident killer whales as endangered.

Thank you,

A handwritten signature in black ink, appearing to read "Brad Ack", with a large, stylized initial "B" and a long horizontal stroke extending to the right.

Brad Ack
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