
SUBSTITUTE SENATE BILL 5488

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senators Poulsen, Jacobsen, Benton, Kohl-
Welles and Spanel)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to orca recovery; adding a new section to chapter
2 77.12 RCW; creating new sections; providing an effective date; and
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the resident
6 population of orca whales in Washington waters (*Orcinus orca*), commonly
7 referred to as the southern residents, are enormously significant to
8 the state. These highly social, intelligent, and playful marine
9 mammals, which the legislature designated as the official marine mammal
10 of the state of Washington, serve as a symbol of the Pacific Northwest
11 and illustrate the biological diversity and rich natural heritage that
12 all Washington citizens and its visitors enjoy.

13 However, the legislature also finds that the southern resident
14 orcas are currently in a serious decline. Southern residents
15 experienced an almost twenty percent decline between 1996 and 2001.
16 The federal government listed this orca population as depleted in 2003,
17 and as an endangered species in 2005. The federal government has
18 identified prey availability, pollution and contaminants, effects from

1 vessels and sound, vulnerability to oil spills, and other factors as
2 significant threats to these marine mammals.

3 In 2006, after listing the southern resident orcas as endangered,
4 the federal government designated critical orca habitat and released a
5 proposed recovery plan for the southern resident orcas. The
6 legislature intends for the state to participate in the finalization of
7 the federal recovery plan and to take those actions necessary to
8 achieve the continued survival and recovery of southern resident orcas,
9 in cooperation with federal agencies, tribal and local governments, and
10 nongovernmental organizations.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
12 to read as follows:

13 The department is the lead state agency for achieving the recovery
14 of southern resident orca whales, which are found seasonally in
15 Washington state waters.

16 NEW SECTION. **Sec. 3.** (1) The department of fish and wildlife
17 shall form an interagency orca recovery team to coordinate the state's
18 efforts to achieve the recovery of southern resident orca whales.
19 Other members of the team include the department of natural resources,
20 the department of ecology, the Puget Sound action team or its
21 successor, the Hood Canal coordinating council, relevant city and
22 county governments, and other appropriate entities, including the
23 Friday Harbor Whale Museum, invited by the department of fish and
24 wildlife. The department of fish and wildlife and the team shall:

25 (a) Participate with Canada, federal agencies, and tribal
26 governments to coordinate orca recovery;

27 (b) Coordinate the implementation of those recovery actions
28 identified in the federal orca recovery plan that are appropriate for
29 state or local action; and

30 (c) Where the department of fish and wildlife and the team
31 determine that additional actions beyond those identified in the
32 federal orca recovery plan are necessary for recovery, coordinate the
33 implementation of those actions.

34 (2) The department of fish and wildlife and the team shall
35 encourage an agency participating on the team to take lead
36 responsibility for those coordinating functions and recovery plan

1 elements that involve a program responsibility housed within that
2 particular agency. The department of fish and wildlife and state
3 agencies with powers and duties related to orca recovery shall utilize
4 all existing authorities to achieve the recovery of southern resident
5 orca whales.

6 (3) The department of fish and wildlife and the team shall, by
7 November 1, 2009:

8 (a) Briefly summarize the actions taken under this act;

9 (b) Briefly summarize additional efforts necessary to achieve orca
10 recovery that are appropriate for implementation at the state or local
11 level; and

12 (c) Provide any legislative recommendations necessary to achieve
13 orca recovery in the form of draft legislation.

14 NEW SECTION. **Sec. 4.** Sections 1 and 3 of this act expire June 30,
15 2010.

16 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2008.

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