
SENATE BILL 5488

State of Washington 60th Legislature 2007 Regular Session

By Senators Poulsen, Jacobsen, Benton, Kohl-Welles and Spanel

Read first time 01/22/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

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

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

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

12 However, the legislature also finds that the southern resident
13 orcas are currently in a serious decline. Southern residents
14 experienced an almost twenty percent decline between 1996 and 2001.
15 The federal government listed this orca population as depleted in 2003,
16 and as an endangered species in 2005. The federal government has
17 identified prey availability, pollution and contaminants, effects from
18 vessels and sound, vulnerability to oil spills, and other factors as
19 significant threats to these marine mammals.

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

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

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

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

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

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

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

31 (2) The department of fish and wildlife and the team shall
32 encourage an agency participating on the team to take lead
33 responsibility for those coordinating functions and recovery plan
34 elements that involve a program responsibility housed within that
35 particular agency. The department of fish and wildlife and state

1 agencies with powers and duties related to orca recovery shall utilize
2 all existing authorities to achieve the recovery of southern resident
3 orca whales.

4 (3) The department of fish and wildlife and the team shall, by
5 November 1, 2008:

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

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

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

12 NEW SECTION. **Sec. 4.** Sections 1 and 3 of this act expire June 30,
13 2009.

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