S-1037.1

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**SUBSTITUTE SENATE BILL 5404**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rivers, Warnick, Short, and Van De Wege)

AN ACT Relating to addressing the impacts of pinnipeds on populations of threatened southern resident orca prey; and creating new sections.

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

NEW SECTION. **Sec.**  (1) The legislature finds that salmon and steelhead, of which many stocks are federally listed as threatened species in Puget Sound, are of great importance to the culture of all peoples of the Pacific Northwest and are an important link in the food chain. Not only are salmon important to humankind, but salmon are a main food source for critically endangered southern resident orcas. The legislature further finds that pinnipeds such as sea lions and seals are also culturally valuable and protected under federal law, but nevertheless may pose a significant threat to salmon and orca recovery through ongoing predation. In addition, pinnipeds are prey to federally protected transient killer whales. Because of the particularly delicate wildlife management questions posed by competition between pinnipeds, orcas, salmon, and other biota in the ecosystem, the state should consult with federally recognized Indian tribes that comanage salmon and seek feedback from a wide array of other parties while deciding on an appropriate course of action to address pinniped predation of salmon.

(2) Therefore, the legislature intends to preserve and protect the orcas, pinnipeds, and the salmon of the Pacific Northwest by encouraging the state to work in cooperation with Indian tribes, the scientific community, and various other entities to address the threat of predation to salmon while minimizing negative impacts to protected or endangered species.

NEW SECTION. **Sec.**  (1) The department of fish and wildlife must contract with the Washington state academy of sciences to convene an independent science panel to review and evaluate the scientific understanding of the extent and effect of pinniped predation on salmon and steelhead in the Salish Sea and Washington's outer coast. The panel should consider direct and indirect effects of pinniped predation on the broader ecosystem. Additionally, the department of fish and wildlife must convene a management panel of state agencies, federally recognized treaty tribes, and federal agencies to communicate with the independent science panel, define the Washington state academy of science's statement of work, and assess appropriate management actions under the federal marine mammal protection act, 16 U.S.C. Sec. 1371. All options available under the marine mammal protection act should be considered, along with identifying areas of the act that could be improved to address the unique challenges in the Salish Sea and Washington's outer coast. In addition, the department of fish and wildlife must seek input from recreational and commercial fishers, ecotourism companies, and conservation organizations.

(2) By December 31, 2021, the department of fish and wildlife shall submit a report to the legislature regarding pinniped predation impacts and the recommendations under the federal marine mammal protection act.

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