

SENATE BILL REPORT

SB 5488

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 22, 2007

Title: An act relating to orca recovery.

Brief Description: Helping the recovery of southern resident orca whales.

Sponsors: Senators Poulsen, Jacobsen, Benton, Kohl-Welles and Spanel.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/05/07, 2/22/07 [DPS-WM].
Ways & Means: 2/27/07.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker.

Staff: Kim Johnson (786-7346)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Kirstan Arestad (786-7708)

Background: The National Oceanic and Atmospheric Administration (NOAA) is the federal agency charged with protecting the nation's marine mammals. Puget Sound's killer whales were listed as "endangered" under the federal Endangered Species Act in late 2005. The Southern Resident killer whales, as the group is officially known, are separate from other killer whale groups. They appear in Puget Sound typically in May, with some remaining into the fall before most leave for the open ocean in the winter months.

NOAA recently issued a proposed recovery plan to restore Puget Sound's killer whales to healthy levels with the ultimate goal of removing them from their place on the Endangered Species List.

The Washington Department of Fish and Wildlife maintains lists of species that are endangered, threatened, or sensitive in the state. The state "endangered" designation is given to native Washington species that are seriously threatened with extinction throughout all or a significant portion of its range within the state. The state listing process is separate from the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

federal protective status designation process. The Southern Resident killer whales are currently listed as endangered under the state designation.

Summary of Bill: The Department of Fish and Wildlife (Department) is designated as the lead state agency for achieving the recovery of Southern Resident orca whales.

The Department is required to form an interagency orca recovery team to coordinate the state's efforts to recover the Southern Resident orca whales. The team must include: the Department of Natural Resources, the Department of Ecology, the Puget Sound Action Team, the Hood Canal Coordinating Council, relevant city and county governments, and other appropriate entities invited by the Department.

The Department is directed to:

- participate with Canadian and federal agencies, and with tribal governments to coordinate orca recovery;
- coordinate implementation of federal recovery actions that are appropriate for state or local action; and
- where the Department and the coordination team determine that additional actions beyond those identified in the federal plan are necessary for recovery, then the Department is to coordinate the implementation of those actions.

The Department and all other state agencies with powers and duties related to orca recovery must utilize all existing authorities to achieve the recovery.

By November 1, 2008, the Department and the coordination team must summarize actions taken pursuant to this act, identify additional efforts that are necessary to achieve orca recovery and are appropriate for implementation at the state or local level; and provide legislative recommendations necessary to achieve orca recovery in the form of draft legislation.

This act expires on June 30, 2009.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation): This act takes effect on July 1, 2008. The date the Department must report back to the Legislature is changed to November 1, 2009. The expiration date is changed to June 30, 2010.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2008.

Staff Summary of Public Testimony (Natural Resources, Ocean & Recreation): PRO: We support this legislation, especially the concept of coordination of the recovery effort among state agencies. However, we have a need to first address the technical work that needs to be done, before directing our efforts towards implementing a recovery plan. We must develop some viable options that will work for the orcas, before we engage the public, state and local governments, and the tribes.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Rocky Beach, Department of Fish and Wildlife.

Staff Summary of Public Testimony (Ways & Means): PRO: The agency supports the bill with some caveats and concerns. We're in agreement in concept to form an interagency recovery team. Together with NOAA fisheries, we've identified three key stressors affecting the health of Southern Resident Killer Whales, e.g. reducing prey, environmental contaminants, and the whales' close proximity to urban centers (which can cause high potential for harassment). If we are to develop solutions to recover these actions, we will need to coordinate at all levels, including internationally.

Persons Testifying (Ways & Means): PRO: Rocky Beach, Department of Fish and Wildlife.