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**SUBSTITUTE HOUSE BILL 1824**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Young, Kloba, MacEwen, Vick, Irwin, Chambers, Lovick, Tarleton, Doglio, and Springer)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to addressing the impacts of pinnipeds on  
2 populations of threatened southern resident orca prey; creating new  
3 sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that salmon, listed  
6 as endangered species, are of great importance to the culture of all  
7 peoples of the Pacific Northwest and are an important link in the  
8 food chain. Not only are salmon important to humankind, but salmon  
9 are a main food source for critically endangered southern resident  
10 orcas. The legislature further finds that pinnipeds such as sea lions  
11 and seals are also culturally valuable and protected under federal  
12 law, but nevertheless pose a significant threat to salmon and orca  
13 recovery through ongoing and excessive predation. Because of the  
14 particularly delicate wildlife management questions posed by  
15 competition between pinnipeds, orcas, and fish, the state should seek  
16 feedback from a wide array of affected tribes and other parties while  
17 deciding on an appropriate course of action to address pinniped  
18 predation of salmon. The majestic southern resident orca is gravely  
19 endangered in part due to lack of prey exacerbated by an over  
20 expansion of a California sea lion population in the United States,  
21 which has grown by 6.2 percent, on average, since 1983. Therefore,

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

7 NEW SECTION. **Sec. 2.** (1)(a) The department must propose an  
8 action to file for a permit under any of sections 101, 103, 104, 109,  
9 and 120 of the federal marine mammal protection act, 16 U.S.C. Sec.  
10 1374 and 1389, as necessary, for the maximum lethal take of  
11 pinnipeds, taking into consideration other potentially relevant  
12 sources of take. The goal of this take must be to enhance the  
13 survival or recovery of salmon species protected in Washington under  
14 RCW 77.12.020 and the federal endangered species act, 16 U.S.C. Sec.  
15 1531 et seq., and southern resident orcas protected in Washington  
16 under RCW 77.12.020 and the federal marine mammal protection act, 16  
17 U.S.C. Sec. 1371. The department must pursue each available federal  
18 marine mammal protection act permit option identified in this  
19 section, as necessary relative to the success, or lack thereof, of  
20 previously attempted permit applications, and must prioritize permit  
21 applications that it deems most likely to quickly achieve the goal of  
22 enhancing and recovering endangered salmon species and southern  
23 resident orcas.

24 (b) In parallel with pursuing actions in (a) of this subsection,  
25 the department must solicit input from affected parties regarding the  
26 take permit policy options under consideration by the department.  
27 Upon the effective date of this section, the department must  
28 coordinate an independent science panel to review and evaluate the  
29 scientific understanding of the extent and effect of pinniped  
30 predation on chinook salmon in Puget Sound and Washington's outer  
31 coast. Additionally, the department must convene a management panel  
32 of state, tribal, and federal agencies to communicate with the  
33 independent science panel, and assess appropriate management actions  
34 to include in federal permit applications. The affected parties that  
35 the department must consult with include, but are not limited to:

36 (i) Federally recognized Indian tribes with reservations lying  
37 within counties that border Puget Sound;

38 (ii) Federally recognized Indian tribes with reservations lying  
39 within counties that border the outer coast;

1 (iii) Federally recognized Indian tribes with reservations lying  
2 within counties that border the Columbia river;  
3 (iv) Commercial fishers;  
4 (v) Recreational fishers; and  
5 (vi) Conservation organizations.  
6 (2) To ensure that permit processes can be perused in a timely  
7 and efficient manner affording environmental protections, the  
8 department may adopt relevant documents prepared to fulfill the  
9 requirements of the national environmental policy act of 1969 for  
10 purposes of compliance with chapter 43.21C RCW.  
11 (3) For the purposes of this section, "department" means the  
12 department of fish and wildlife.

13 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of  
15 the state government and its existing public institutions, and takes  
16 effect immediately.

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