

HOUSE BILL REPORT

HB 2528

As Reported By House Committee On:
Natural Resources

Title: An act relating to studying harbor seal and sea lion predation on anadromous fish.

Brief Description: Requiring a study of the food habits of harbor seals and sea lions and a population estimate.

Sponsors: Representatives Buck, Hatfield, Pennington and Basich.

Brief History:

Committee Activity:

Natural Resources: 1/30/96, 2/2/96 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Elliot; Hatfield; Jacobsen; Sheldon; Stevens; B. Thomas; L. Thomas; Thompson and Fuhrman.

Minority Report: Do not pass. Signed by 2 members: Representatives Regala, Assistant Ranking Minority Member; and Keiser.

Staff: Linda Byers (786-7129).

Background: Congress enacted the Marine Mammal Protection Act in 1972 to conserve and protect marine mammal species. This federal act provides protection for some 29 species of marine mammals that live in or pass through Washington's waters.

Seals and sea lions fall under the protection of the Marine Mammal Protection Act. Some seal and sea lion populations, notably the harbor seal and the California sea lion, have increased markedly since the 1970s. As the seals and sea lions have increased, so has their interaction with human fishers. Further, while seals and sea lions feed on a number of types of fish, they also feed on salmon and steelhead. This causes particular concern in light of dwindling anadromous fish stocks.

There is a research component to the Marine Mammal Protection Act. Research efforts are underway at both the federal and state levels.

Summary of Substitute Bill: The Fish and Wildlife Commission is to direct Department of Fish and Wildlife staff to conduct a study on harbor seals and California sea lions in Washington. In designing the study, the department is to use methodologies based on scientifically valid resource management principles and techniques, and to operate within the bounds of the Federal Marine Mammal Protection Act. The department is to coordinate its research efforts and study designs with the National Marine Fisheries Service (NMFS) and the Pacific States Marine Fisheries Commission to ensure that the state study complements, rather than duplicates, other research efforts in the region.

The overall harbor seal and California sea lion study will consist of three components:

- (1) a study of the food habits of these seals and sea lions to identify the range and quantity of prey they consume and the effect of their consumption patterns on prey resources such as salmon and steelhead;
- (2) a study on the potential for fecal coliform bacteria contamination in important commercial shellfish production areas that also have abundant populations of seals and/or sea lions; and
- (3) an assessment on an on-going basis of the populations of harbor seals and California sea lions.

Once the study has been completed, the results are to be distributed to several interested parties, and the department is to work with the Pacific States Marine Fisheries Commission to use these and other research results to develop an appropriate management regime for harbor seals and California sea lions.

Substitute Bill Compared to Original Bill: The original bill called for the contracting out of the pinniped study and specified that the food habit study be conducted using lethal capture methods and analysis of stomach contents. The substitute bill directs the Department of Fish and Wildlife to conduct the study using methodologies based on scientifically valid resource management principles and techniques, and operating within the bounds of the Federal Marine Mammal Protection Act. The substitute bill also directs the department to coordinate this research effort with other research efforts in the region to ensure that the state study complements, rather than duplicates, other research.

Appropriation: The bill contains an appropriation of \$350,000 from the general fund to the Fish and Wildlife Commission for the study.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (original bill) In Jefferson County, many people use the beaches and dig for shellfish, and there is a concern about possible shellfish contamination with fecal coliform bacteria from the seals and sea lions. This study will help identify what the seals and sea lions eat, examine the impact on shellfish, and prepare a population estimate. The closing of commercial oyster beds could be a major problem; the Dosewallips shellfish area already had to be closed. The seals are getting all the way up into the salmon spawning areas. The studies done to date provide a starting place for a new study. We need the results of this study to take back to Congress. The study would not require the taking of a lot of seals, but a few would have to be killed. The populations are growing very quickly. At Westport, seals are taking the fish off the lines of people fishing.

Testimony Against: (original bill) This is a pinniped scapegoat bill. One can hardly blame animals for eating fish. If the study finds they do eat fish, this will be used to justify killing these animals. This is not science. The best wildlife studies are passive, not lethal. The real reason for the fishery decline is the lack of backbone on the part of legislators to address real problems like habitat and dam removal. If you do this study, people will stop buying Washington-caught fish. The bill as written could include the killing of Stellar sea lions, which are protected. This bill will begin to dismantle the Marine Mammal Protection Act; it ignores the other research being conducted by NMFS, the department, and other researchers; and does not apply sound, scientific methodologies. The money would be better used for enhancing wild salmon populations and enforcing fishery violations. This is a tribal-led, taxpayer-financed harvest plan. The research in the bill would be redundant and duplicative. This type of lethal research using stomach contents analysis may not necessarily produce the most reliable data. Even if this approach is pursued, there is no need to kill additional seals and sea lions; hundreds are killed by gunshot every year, and the state and tribes may kill more, providing a source for stomach samples. There is little evidence that marine mammal predation is the cause of salmon declines. The Department of Fish and Wildlife would like to use their own expertise and that of NMFS rather than contracting out the study. The study would probably need to continue for three to five years; funding for just one year is a concern.

Testified: Representative Jim Buck, prime sponsor; Commissioner Pat Hamilton, Pacific County and Washington State Association of Counties; and Allan Hollingsworth, Grays Harbor Gillnetters (all in favor). Benjamin White, Friends of Animals; Will Anderson, Progressive Animal Welfare Society; Michael Kundu, Sea Shepherd Conservation Society; Toni Frohoff, The Humane Society of the United States (all opposed); and Cyreis Schmitt, Department of Fish and Wildlife.