

# HOUSE BILL REPORT

## HJM 4008

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### As Passed House:

March 8, 1995

**Brief Description:** Requesting modification of the federal Marine Mammal Protection Act.

**Sponsors:** Representatives Basich, Pennington, Johnson, Quall, Kremen, Fuhrman, Chappell, Hatfield, Backlund and Sheldon.

### Brief History:

#### Committee Activity:

Natural Resources: 2/3/95, 2/8/95 [DP].

#### Floor Activity:

Passed House: 3/8/95, 90-8.

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## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; Jacobsen; Sheldon; Stevens and Thompson.

**Minority Report:** Do not pass. Signed by 1 member: Representative Romero.

**Staff:** Linda Byers (786-7129).

**Background:** Congress enacted the Marine Mammal Protection Act in 1972 to conserve and protect marine mammal species. The primary objective identified in the legislation for the management of these species is to maintain the health and stability of the marine ecosystem. When consistent with this primary objective, the goal is to obtain optimum sustainable populations of marine mammal species, keeping in mind the carrying capacity of the habitat.

The Marine Mammal Protection Act provides protection for some 29 species of marine mammals that live in or pass through Washington's waters, including whales, porpoises, and sea otters. Seals and sea lions are also protected by the act. Some marine mammal species, notably the Pacific harbor seal and the California sea lion, have shown marked population increases since the 1970's. As the abundance of these seals and sea lions has increased, so has their interaction with commercial fishers. While seals and sea lions feed on a number of different types of fish, they also feed

on salmon and steelhead. This causes particular concern in the face of dwindling anadromous fish stocks and the listing of fish stocks as threatened or endangered.

The federal act was amended in 1994. The amendments included new provisions to govern interactions between protected mammals and commercial fisheries. The amendments also established a process for seeking permission for the lethal removal of seals or sea lions under certain conditions. The state Department of Fish and Wildlife recently used this new procedure to request permission to lethally remove some sea lions at the Ballard Locks.

**Summary of Bill:** Seals and sea lions are identified as active predators on anadromous fish such as salmon and steelhead. In order to allow certain salmon and steelhead populations to recover and be sustained at viable levels, the memorial finds that it will be necessary to have more flexibility to manage seals and sea lions in identifiable areas where they cause unacceptable mortality levels in specific fish runs. The memorial asks Congress to again amend the Marine Mammal Protection Act to allow for a more common-sense approach to managing predacious seals and sea lions, including provisions for reasonable, balanced, and prudent population levels and provisions for active management of abundant populations including lethal removal when and where necessary.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Testimony For:** We are keeping these animals in holding pens now. The current process has us running around in circles. A cooperative funding effort is needed with the federal government. Pacific harbor seals and California sea lions are causing a lot of problems. More has to be done, or the salmon runs will be destroyed. We have to get some definitive action. The department has sought amendments to allow for less cumbersome lethal removal and management on an ecosystem approach.

**Testimony Against:** None.

**Testified:** Representative Bob Basich, prime sponsor (in favor); Cyreis Schmitt, Department of Fish and Wildlife; and Harvey Walden, Skagit County Commissioner (with concerns about mismanagement of salmon runs).