S-0483.2

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**SENATE BILL 5404**

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

**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.**  The legislature finds that chinook salmon, listed as a 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. Because of the particularly delicate wildlife management questions posed by competition between pinnipeds, orcas, and fish, the state should seek feedback from a wide array of affected tribes and other parties while deciding on an appropriate course of action to address pinniped predation of salmon. 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.**  The department of fish and wildlife must contract with the Washington state academy of sciences to coordinate an independent science panel to review and evaluate the scientific understanding of the extent and effect of pinniped predation on chinook salmon in Puget Sound and Washington's outer coast. Additionally, the department of fish and wildlife must convene a management panel of state, tribal, and federal agencies to communicate with the independent science panel and assess appropriate management actions to include in a potential federal take permit application 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 Puget Sound. The affected parties that the department of fish and wildlife must consult with include, but are not limited to, treaty Indian tribes in Puget Sound and the outer coast, recreational and commercial fishers, and conservation organizations. The department of fish and wildlife shall submit a report of the pinniped predation impacts and the recommendations under the federal marine mammal protection act by December 31, 2022.

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