

FINAL BILL REPORT

SHB 2293

C 72 L 24
Synopsis as Enacted

Brief Description: Studying the effects of avian predation of salmon.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Wilcox, Chapman, Kretz, Dent, Barkis and Barnard).

House Committee on Agriculture & Natural Resources
Senate Committee on Agriculture, Water, Natural Resources & Parks

Background:

Department of Fish and Wildlife.

The Department of Fish and Wildlife (DFW) is tasked with preserving, protecting, perpetuating, and managing the state's fish, wildlife, and ecosystems while ensuring that fish and wildlife stocks are sustainable for recreational and commercial fishers and hunters. As a part of this responsibility, the DFW must authorize any agency action that would handle, kill, or collect wildlife of the state. This applies to all wildlife, including birds, amphibians, reptiles, invertebrates, and mammals.

Federal Laws Pertaining to Wildlife Management.

Endangered Species Act.

The Endangered Species Act (ESA), administered by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), regulates protections for threatened and endangered species. The USFWS is primarily responsible for terrestrial and freshwater species, while the NMFS is primarily responsible for marine wildlife and anadromous fish. If a project affects a species proposed for inclusion or listed in the ESA, an agency must obtain a Letter of Concurrence, Biological Opinion, or Programmatic Consistency Finding from the USFWS or the NMFS.

Magnuson-Stevens Act.

The Fishery Conservation and Management Act, also known as the Magnuson-Stevens Act, empowers the NMFS to regulate the fisheries of the United States. Agencies must consult

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with the NMFS on all activities or proposed activities that might have an adverse effect on an essential fish habitat (EFH). If a project may affect an EFH, an agency must prepare and submit an EFH Assessment (Assessment) to the NMFS. This Assessment is included in an individual biological assessment or programmatic form. When ESA species are not present, a stand-alone Assessment may be required.

Migratory Bird Treaty Act.

The Migratory Bird Treaty Act (MBTA), administered by the USFWS, makes it unlawful to take, import, export, possess, sell, purchase, or barter any migratory bird, with the exception of the taking of game birds during established hunting seasons. An agency that takes an action that might impact a species protected under the MBTA must apply for an annual MBTA permit from the USFWS that covers most compliance issues. Some projects may require the preparation of a Bird Protection Plan (BPP), which includes measures to avoid or minimize impacts to nesting birds.

The Bald and Golden Eagle Protection Act.

The Bald and Golden Eagle Protection Act, administered by the USFWS, makes it unlawful to take, import, export, sell, purchase, or barter any bald or golden eagle, their parts, products, nests, or eggs. The meaning of "take" includes pursuing, shooting, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing eagles. If an agency project may affect an active or inactive eagle nest, that agency must prepare a BPP and include measures to avoid or minimize impacts to nesting birds.

Summary:

The Department of Fish and Wildlife (DFW) must convene an Avian Salmon Predation Work Group (Work Group). The Work Group is required to identify all avian species that predate on juvenile salmon at a population level, determine whether those species are adversely impacting the recovery of any threatened or endangered salmon species, and identify remedies. The Work Group is required to report to the Legislature and the DFW by June 30, 2025. The Work Group expires on July 1, 2026.

The Work Group must consist of:

- five members from federally recognized Indian tribes with fishing rights in Washington;
- one member each from the: DFW; United States Fish and Wildlife Service; United States Army Corps of Engineers; National Marine Fisheries Service West Coast Region; Oregon Department of Fish and Wildlife; and Puget Sound Partnership;
- two members each representing recreational fishers and commercial fishers; and
- one member each representing a salmon conservation organization and an avian conservation organization.

Votes on Final Passage:

House 97 0

Senate 47 0

Effective: June 6, 2024