
**Fisheries, Ecology & Parks
Committee**

HB 1268

Brief Description: Creating the orca research and conservation association.

Sponsors: Representatives Rockefeller, Hunt, Dunshee, Miloscia, Haigh, Dickerson, Lantz, Linville, Cooper, Hudgins, Kagi, Morrell, Kessler, Upthegrove and Chase.

Brief Summary of Bill

- Establishes the Orca Research and Conservation Association (Association) as a nonprofit organization to coordinate orca research and recovery efforts.
- Directs state natural resource agencies to provide technical assistance to the Association including research and recovery plan development.

Hearing Date: 2/11/03

Staff: Jeff Olsen (786-7157).

Background:

Federal Listing Status of Killer Whale

The National Marine Fisheries Service (NMFS) was petitioned in May 2001 to list the Southern Resident killer whale population under the Endangered Species Act (ESA). The NMFS announced in June, 2002 that the Southern Resident killer whales were not a distinct population segment and did not warrant listing under the ESA at that time.

On January 30, 2003 the NMFS proposed listing the Southern Resident killer whales as depleted under the Marine Mammal Protection Act (MMPA). The population has declined by twenty percent in the past five years and may be below their optimal sustainable population level. When the determination process is complete, the MMPA requires the NMFS to prepare a conservation plan. The conservation plan may contain measures to address factors impacting orca populations. National Oceanic and Atmospheric Administration (NOAA) fisheries scientists have identified a variety of risk factors that may affect whale populations including depleted food sources (especially salmon), competition for food with other marine mammals, whale-watching impacts, oil spills, exposure to toxic

chemicals, biotoxins, parasites, disease, entanglements in fishing gear, and captures and shootings in the 1960s-1970s.

Department of Fish & Wildlife Lists Killer Whale as State Candidate Species

The Washington Department of Fish and Wildlife (WDFW) is directed to preserve, protect, perpetuate, and manage the wildlife, food fish, game fish, and shellfish in state and offshore waters. In addition, RCW 77.12.020(6) authorizes the WDFW Director to request that the Fish and Wildlife Commission designate a species threatened with extinction as an endangered species. For endangered, threatened, and sensitive species, the WDFW has developed rules to identify and classify native wildlife species that need protection and define the process by which listing, management, recovery, and delisting of a species can be achieved. The killer whale, *Orcinus orca*, is listed as a State Candidate Species. For candidate species the Department conducts a review to determine if there is a need for a possible listing as a state endangered, threatened, or sensitive species.

Department of Ecology and Puget Sound Action Team

The Department of Ecology manages several state environmental programs including water quality, pollution control, toxic cleanup, air quality, and oil spill prevention. Several risk factors identified by NOAA fisheries scientists as potentially impacting whale populations are the responsibility of the Department of Ecology.

The Puget Sound Action Team prepares a work plan for Puget Sound that identifies the necessary federal, state, and local actions to maintain and enhance Puget Sound water quality. The work plan includes activities to restore a balanced population of indigenous shellfish, fish, and wildlife.

Summary of Bill:

The Legislature authorizes the establishment of the Orca Research and Conservation Association (Association) as a nonprofit organization to coordinate orca research and recovery efforts in Washington. The organization is directed to further scientific knowledge regarding orca populations and to coordinate state orca recovery efforts. The Association should attempt to have representation from all groups interested in orca recovery and should consider establishing a technical advisory committee.

The orca research and conservation account is established in the state treasury. Expenditures from the account may be used for orca research and recovery efforts

The Department of Ecology and the Department of Fish and Wildlife are directed to provide technical assistance to the association including research and recovery plan development.

The Puget Sound Action Team must include specific actions and projects pertaining to orca recovery plans developed by the Association in the work plan it prepares for inclusion in the Governor's biennial budget.

Appropriation: None.

Fiscal Note: Requested on February 5, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.