
HOUSE BILL 1268

State of Washington

58th Legislature

2003 Regular Session

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

Read first time 01/22/2003. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to orca recovery; amending RCW 90.71.050; adding a
2 new section to chapter 43.21A RCW; adding a new section to chapter
3 77.12 RCW; and adding a new chapter to Title 77 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the orca whale is
6 a significant cultural and economic resource in the northwest and its
7 presence represents a key indicator of a healthy marine environment.
8 The legislature also finds that orca populations in Washington waters,
9 also known as the southern resident killer whale population, have
10 declined by twenty percent in the past five years. The legislature
11 further finds that, while current research points to several risk
12 factors that may be impacting orca populations, including availability
13 of prey, environmental contaminants, disease, whale watching, and other
14 factors, more research and coordination of recovery efforts are
15 required to successfully recover orca whale populations. The
16 legislature recognizes that the national marine fisheries service
17 anticipates proposing regulations to designate this population of orcas
18 as a depleted stock under the marine mammal protection act. The
19 legislature also recognizes that the department may review the status

1 of the southern resident population to determine if a state threatened
2 or endangered species listing is warranted. However, the legislature
3 finds that, in addition to measures undertaken by the state and federal
4 governments, a community-based recovery effort that involves a variety
5 of interest groups and private individuals should be formed to assist
6 in recovery of orca populations in Washington. Therefore, the
7 legislature finds that it is in the best interest of the state to
8 encourage the development of a nonprofit orca research and conservation
9 association to coordinate orca research and recovery efforts.

10 NEW SECTION. **Sec. 2.** (1) The state legislature authorizes the
11 establishment of an independent, nonprofit organization known as the
12 orca research and conservation association to coordinate orca research
13 and recovery efforts.

14 (2) The orca research and conservation association shall seek to:

15 (a) Conduct orca research activities to further scientific
16 knowledge regarding orca populations, habitat needs, migration, and
17 other factors impacting orca survival; and

18 (b) Coordinate state orca recovery efforts by working with state
19 and federal stakeholders participating in orca recovery, including but
20 not limited to the national marine fisheries service, the Puget Sound
21 action team, the department of ecology, the department, and private
22 organizations to ensure that private and government resources are used
23 efficiently and effectively to recover orca populations.

24 NEW SECTION. **Sec. 3.** (1) The orca research and conservation
25 association should allow any interested person or group to become a
26 member of the association.

27 (2) The association should attempt to have representation on its
28 board of directors and within its membership from all groups with an
29 interest in orca recovery. The association also should attempt to have
30 representation on its board of directors and within its membership from
31 the citizens of the state. The association should encourage
32 participation in the association by federal, state, and local agencies
33 involved in water quality, marine protection, and species recovery
34 research and activities.

35 (3) The association is encouraged to consider establishing a

1 technical advisory committee to provide scientific and technical
2 expertise to the association and to make recommendations to the
3 association's board of directors.

4 NEW SECTION. **Sec. 4.** The orca research and conservation account
5 is created in the custody of the state treasurer. All receipts from
6 federal funds provided for orca research and recovery, private
7 donations, and other moneys appropriated to the account by the
8 legislature must be deposited into the account. Expenditures from the
9 account may be used only for orca research and recovery efforts. Only
10 the director of the department or the director's designee may authorize
11 expenditures from the account. The account is subject to allotment
12 procedures under chapter 43.88 RCW, but an appropriation is not
13 required for expenditures.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A RCW
15 to read as follows:

16 The department shall provide technical assistance to the orca
17 research and conservation association created in section 2 of this act.
18 The department's technical assistance must include assisting in
19 research, recovery plan development, and other activities to address
20 the decline of orca populations in Washington.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW
22 to read as follows:

23 The department shall provide technical assistance to the orca
24 research and conservation association created in section 2 of this act.
25 The department's technical assistance must include assisting in
26 research, recovery plan development, and other activities to address
27 the decline of orca populations in Washington.

28 **Sec. 7.** RCW 90.71.050 and 1998 c 246 s 15 are each amended to read
29 as follows:

30 (1)(a) Each biennium, the action team shall prepare a Puget Sound
31 work plan and budget for inclusion in the governor's biennial budget.
32 The work plan shall prescribe the necessary federal, state, and local
33 actions to maintain and enhance Puget Sound water quality, including
34 but not limited to, enhancement of recreational opportunities, and

1 restoration of a balanced population of indigenous shellfish, fish, and
2 wildlife. The work plan and budget shall include specific actions and
3 projects pertaining to salmon recovery plans and orca recovery plans
4 developed by the orca research and conservation association created in
5 section 2 of this act.

6 (b) In developing a work plan, the action team shall meet the
7 following objectives:

8 (i) Use the plan elements of the Puget Sound management plan to
9 prioritize local and state actions necessary to restore and protect the
10 biological health and diversity of Puget Sound;

11 (ii) Consider the problems and priorities identified in local
12 plans; and

13 (iii) Coordinate the work plan activities with other relevant
14 activities, including but not limited to, agencies' activities that
15 have not been funded through the plan, local plans, and governmental
16 and nongovernmental watershed restoration activities.

17 (c) In developing a budget, the action team shall identify:

18 (i) The total funds to implement local projects originating from
19 the planning process developed for nonpoint pollution; and

20 (ii) The total funds to implement any other projects designed
21 primarily to restore salmon habitat.

22 (2) In addition to the requirements identified under RCW
23 90.71.020(2)(a), the work plan and budget shall:

24 (a) Identify and prioritize the local and state actions necessary
25 to address the water quality problems in the following locations:

26 (i) Area 1: Island and San Juan counties;

27 (ii) Area 2: Skagit and Whatcom counties;

28 (iii) Area 3: Clallam and Jefferson counties;

29 (iv) Area 4: Snohomish, King, and Pierce counties; and

30 (v) Area 5: Kitsap, Mason, and Thurston counties;

31 (b) Provide sufficient funding to characterize local watersheds,
32 provide technical assistance, and implement state responsibilities
33 identified in the work plan. The number and qualifications of staff
34 assigned to each region shall be determined by the types of problems
35 identified pursuant to (a) of this subsection;

36 (c) Provide sufficient funding to implement and coordinate the
37 Puget Sound ambient monitoring plan pursuant to RCW 90.71.060;

1 (d) Provide funds to assist local jurisdictions to implement
2 elements of the work plan assigned to local governments and to develop
3 and implement local plans;

4 (e) Provide sufficient funding to provide support staff for the
5 action team; and

6 (f) Describe any proposed amendments to the Puget Sound management
7 plan.

8 (3) The work plan shall be submitted to the appropriate policy and
9 fiscal committees of the legislature by December 20th of each even-
10 numbered year.

11 (4) The work plan shall be implemented consistent with the
12 legislative provisos of the biennial appropriation acts.

13 NEW SECTION. **Sec. 8.** Sections 1 through 4 of this act constitute
14 a new chapter in Title 77 RCW.

--- END ---