
SENATE BILL 5555

State of Washington 58th Legislature 2003 Regular Session

By Senators Kohl-Welles, Jacobsen, Fairley, McAuliffe, Regala, Fraser, Thibaudeau, Kline, B. Sheldon, Spanel and Prentice

Read first time 01/29/2003. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to recovery of orca whales in Washington waters;
2 and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the resident
5 population of orca whales in Washington waters, commonly referred to as
6 the "southern residents," are enormously significant to the state.
7 These highly social, intelligent, and playful marine mammals are a
8 totem of the entire Pacific Northwest and wonderfully illustrate the
9 biological diversity and rich natural heritage that all Washington
10 citizens and its visitors enjoy. However, the southern resident orcas
11 are currently in a serious decline, likely from multiple causes
12 including PCB poisoning, declines in salmon, which are favorite orca
13 prey species, general ecosystem deterioration, growing whale watching
14 pressure, and the lingering effects of many whales being captured for
15 display in the 1960s and 1970s. There are additional threats to the
16 survival of the existing orca whale populations from oil spills, boat
17 collisions, fishing net entanglement, strandings, and disease. The
18 small size of the southern resident population and its recent
19 catastrophic decline qualify it for listing as "endangered" under the

1 strict scientific criteria established by the international union for
2 the conservation of nature, but the United States government has
3 declined to list this population under the federal endangered species
4 act. It was listed as "threatened" by the government of British
5 Columbia in 1999.

6 Therefore, it is important that Washington state take strong
7 measures to develop and implement a recovery strategy for the southern
8 resident orcas, working closely with governmental and nongovernmental
9 organizations with scientific, management, and regulatory
10 responsibilities throughout the Pacific Northwest.

11 NEW SECTION. **Sec. 2.** (1) The fish and wildlife commission shall
12 prepare a recovery plan for orca whale populations that are seasonally
13 resident in Washington waters. The department of fish and wildlife is
14 the lead agency in preparing the plan under the commission's direction.
15 The fish and wildlife commission shall form an interagency team to
16 assist in preparing the recovery plan, that includes the departments of
17 ecology, health, and natural resources, and the Puget Sound water
18 quality action team. The fish and wildlife commission shall invite
19 participation on the team by the national oceanic and atmospheric
20 administration and Indian tribes with treaty fishing rights. In
21 preparing the plan, the fish and wildlife commission and the
22 interagency team should consult with provincial and federal government
23 agencies in Canada with the objective of coordinating recovery planning
24 activities for the southern resident orca populations. The fish and
25 wildlife commission shall encourage an agency participating on the team
26 to take lead responsibility for developing a recovery plan element
27 where that element involves a program responsibility primarily of that
28 agency.

29 (2) The recovery plan must focus primarily upon monitoring,
30 management, and regulatory measures that state and local governments
31 may undertake to address the full range of factors limiting recovery.
32 The plan should include, but is not limited to:

33 (a) Identifying needed field and laboratory research to learn more
34 about southern resident orca genetics, biology, and ecology. Among the
35 studies to be considered in the plan are:

36 (i) An enhanced and coordinated stranding network to provide

1 immediate response to reports of orca and other marine mammal stranding
2 events;

3 (ii) Shore-based observations of vessel and whale interactions; and
4 (iii) Funding for continuing and new photo-identification studies;

5 (b) Measures to protect and restore the food sources for orcas,
6 including protecting herring and forage fish habitat that are critical
7 for restoration of chinook salmon, a principal prey species of orcas;

8 (c) Measures to protect and restore estuarine, riparian, and
9 shoreline habitats;

10 (d) Measures to reduce sources of toxic waste and other
11 contaminants to the waters frequented by orcas, including but not
12 limited to:

13 (i) Reviewing water quality discharge permits governing discharges
14 to Puget Sound and other marine waters;

15 (ii) The remediation of sites in or adjacent to marine waters
16 contaminated with polychlorinated biphenyls (PCBs) and other toxic
17 pollutants; and

18 (iii) Coordinated efforts to prevent oil spills and for responses
19 when spills occur;

20 (e) Consideration of reintroduction of captive orcas that were
21 taken from southern resident populations; and

22 (f) Measures to reduce pollution and other negative impacts from
23 whale watching vessels.

24 (3) The recovery plan shall be adopted by the fish and wildlife
25 commission no later than June 30, 2005. Where plan elements require
26 additional funding or additional statutory authority to implement, the
27 fish and wildlife commission shall use its best efforts to make
28 recommendations to the legislature by January 15, 2005.

--- END ---