
HOUSE BILL 1824

State of Washington

66th Legislature

2019 Regular Session

By Representatives Young, Kloba, MacEwen, Vick, Irwin, Chambers, Lovick, Tarleton, Doglio, and Springer

Read first time 01/31/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to addressing the impacts of pinnipeds on
2 populations of threatened southern resident orca prey; amending RCW
3 43.21C.0382; creating new sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that salmon, listed
6 as endangered species, are of great importance to the culture of all
7 peoples of the Pacific Northwest and are an important link in the
8 food chain. Not only are salmon important to humankind, but salmon
9 are a main food source for critically endangered southern resident
10 orcas. The legislature further finds that pinnipeds such as sea lions
11 and seals are also culturally valuable and protected under federal
12 law, but nevertheless pose a significant threat to salmon and orca
13 recovery through ongoing and excessive predation. Because of the
14 particularly delicate wildlife management questions posed by
15 competition between pinnipeds, orcas, and fish, the state should seek
16 feedback from a wide array of affected tribes and other parties
17 before deciding on an appropriate course of action to address
18 pinniped predation of salmon. The majestic southern resident orca is
19 gravely endangered in part due to lack of prey exacerbated by an over
20 expansion of a California sea lion population in the United States,
21 which has grown by 6.2 percent, on average, since 1983. Therefore,

1 the legislature intends to preserve and protect both the orcas and
2 the salmon of the Pacific Northwest by encouraging the state to work
3 in cooperation with Indian tribes, the scientific community, and
4 various other entities to address the threat of pinnipeds to the
5 salmon while minimizing negative impacts to protected or endangered
6 species.

7 NEW SECTION. **Sec. 2.** (1)(a) The department must propose an
8 action to file for a permit under section (4)(A) or 120 of the
9 federal marine mammal protection act, 16 U.S.C. Sec. 1374 and 1389,
10 for the maximum lethal take of sea lions in order to enhance the
11 survival or recovery of salmon species protected in Washington under
12 RCW 77.12.020 and the federal endangered species act, 16 U.S.C. Sec.
13 1531 et seq., and southern resident orcas protected in Washington
14 under RCW 77.12.020 and the federal marine mammal protection act, 16
15 U.S.C. Sec. 1371.

16 (b) In proposing this action, the department must solicit input
17 from affected parties regarding the take permit policy options under
18 consideration by the department. The affected parties that the
19 department must consult with includes, but is not limited to:

20 (i) Federally recognized Indian tribes with reservations lying
21 within counties that border Puget Sound;

22 (ii) Federally recognized Indian tribes with reservations lying
23 within counties that border the outer coast;

24 (iii) Federally recognized Indian tribes with reservations lying
25 within counties that border the Columbia river;

26 (iv) Commercial fishers;

27 (v) Recreational fishers; and

28 (vi) Conservation organizations.

29 (2) Due to the urgency of the condition of the southern resident
30 orca population, and in order to enable expedient results, the filing
31 of a permit pursuant to subsection (1) of this section is exempt from
32 the provisions of chapter 43.21C RCW.

33 (3) For purposes of this section, "department" means the
34 department of fish and wildlife.

35 **Sec. 3.** RCW 43.21C.0382 and 2014 c 120 s 16 are each amended to
36 read as follows:

1 (1) Decisions pertaining to watershed restoration projects as
2 defined in RCW 89.08.460 are not subject to the requirements of RCW
3 43.21C.030(2)(c).

4 (2) Decisions pertaining to fish habitat enhancement projects
5 meeting the criteria of RCW 77.55.181 and being reviewed and approved
6 according to the provisions of RCW 77.55.181 are not subject to the
7 requirements of RCW 43.21C.030(2)(c).

8 (3) Decisions pertaining to the protection of salmon made
9 pursuant to section 2 of this act are not subject to the requirements
10 of RCW 43.21C.030(2)(c).

11 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect immediately.

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