
SUBSTITUTE SENATE BILL 5404

State of Washington

67th Legislature

2021 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rivers, Warnick, Short, and Van De Wege)

READ FIRST TIME 02/12/21.

1 AN ACT Relating to addressing the impacts of pinnipeds on
2 populations of threatened southern resident orca prey; and creating
3 new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that salmon and
6 steelhead, of which many stocks are federally listed as threatened
7 species in Puget Sound, are of great importance to the culture of all
8 peoples of the Pacific Northwest and are an important link in the
9 food chain. Not only are salmon important to humankind, but salmon
10 are a main food source for critically endangered southern resident
11 orcas. The legislature further finds that pinnipeds such as sea lions
12 and seals are also culturally valuable and protected under federal
13 law, but nevertheless may pose a significant threat to salmon and
14 orca recovery through ongoing predation. In addition, pinnipeds are
15 prey to federally protected transient killer whales. Because of the
16 particularly delicate wildlife management questions posed by
17 competition between pinnipeds, orcas, salmon, and other biota in the
18 ecosystem, the state should consult with federally recognized Indian
19 tribes that comanage salmon and seek feedback from a wide array of
20 other parties while deciding on an appropriate course of action to
21 address pinniped predation of salmon.

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

7 NEW SECTION. **Sec. 2.** (1) The department of fish and wildlife
8 must contract with the Washington state academy of sciences to
9 convene an independent science panel to review and evaluate the
10 scientific understanding of the extent and effect of pinniped
11 predation on salmon and steelhead in the Salish Sea and Washington's
12 outer coast. The panel should consider direct and indirect effects of
13 pinniped predation on the broader ecosystem. Additionally, the
14 department of fish and wildlife must convene a management panel of
15 state agencies, federally recognized treaty tribes, and federal
16 agencies to communicate with the independent science panel, define
17 the Washington state academy of science's statement of work, and
18 assess appropriate management actions under the federal marine mammal
19 protection act, 16 U.S.C. Sec. 1371. All options available under the
20 marine mammal protection act should be considered, along with
21 identifying areas of the act that could be improved to address the
22 unique challenges in the Salish Sea and Washington's outer coast. In
23 addition, the department of fish and wildlife must seek input from
24 recreational and commercial fishers, ecotourism companies, and
25 conservation organizations.

26 (2) By December 31, 2021, the department of fish and wildlife
27 shall submit a report to the legislature regarding pinniped predation
28 impacts and the recommendations under the federal marine mammal
29 protection act.

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