
SENATE BILL 5404

State of Washington

67th Legislature

2021 Regular Session

By Senators Rivers, Warnick, Short, and Van De Wege

Read first time 02/02/21. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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.** The legislature finds that chinook salmon,
6 listed as a threatened species in Puget Sound, are of great
7 importance to the culture of all peoples of the Pacific Northwest and
8 are an important link in the food chain. Not only are salmon
9 important to humankind, but salmon are a main food source for
10 critically endangered southern resident orcas. The legislature
11 further finds that pinnipeds such as sea lions and seals are also
12 culturally valuable and protected under federal law, but nevertheless
13 may pose a significant threat to salmon and orca recovery through
14 ongoing predation. Because of the particularly delicate wildlife
15 management questions posed by competition between pinnipeds, orcas,
16 and fish, the state should seek feedback from a wide array of
17 affected tribes and other parties while deciding on an appropriate
18 course of action to address pinniped predation of salmon. Therefore,
19 the legislature intends to preserve and protect the orcas, pinnipeds,
20 and the salmon of the Pacific Northwest by encouraging the state to
21 work in cooperation with Indian tribes, the scientific community, and

1 various other entities to address the threat of predation to salmon
2 while minimizing negative impacts to protected or endangered species.

3 NEW SECTION. **Sec. 2.** The department of fish and wildlife must
4 contract with the Washington state academy of sciences to coordinate
5 an independent science panel to review and evaluate the scientific
6 understanding of the extent and effect of pinniped predation on
7 chinook salmon in Puget Sound and Washington's outer coast.
8 Additionally, the department of fish and wildlife must convene a
9 management panel of state, tribal, and federal agencies to
10 communicate with the independent science panel and assess appropriate
11 management actions to include in a potential federal take permit
12 application under the federal marine mammal protection act, 16 U.S.C.
13 Sec. 1371. All options available under the marine mammal protection
14 act should be considered, along with identifying areas of the act
15 that could be improved to address the unique challenges in Puget
16 Sound. The affected parties that the department of fish and wildlife
17 must consult with include, but are not limited to, treaty Indian
18 tribes in Puget Sound and the outer coast, recreational and
19 commercial fishers, and conservation organizations. The department of
20 fish and wildlife shall submit a report of the pinniped predation
21 impacts and the recommendations under the federal marine mammal
22 protection act by December 31, 2022.

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