



Don Hoch
Acting Director

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

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February 3, 2022

MEMORANDUM

To: Don Hoch, Acting Director

Through: Peter Herzog, Assistant Director - Parks Development

From: Lisa Lantz, Stewardship Program Manager

Subject: Temporary closures at Deception Pass for wildlife protection

Project Summary: A northern elephant seal recently gave birth to a pup in the Bowman Bay area of Deception Pass State Park. The seals are protected under the federal Marine Mammal Protection Act. Temporary area closures are needed to protect the pup from human disturbance and to protect park visitors from the protective seal mother.

Background: Northern elephant seals (*Mirounga angustirostris*) are the largest of the “true” seals found in the Northern Hemisphere. In the 1800’s, they were thought extinct, but a small population persisted and has since multiplied into robust populations in the U.S. and Mexico. Northern elephant seals spend most of the year in the ocean and can only be seen on land during pupping season.

Female seals come ashore a few days before giving birth. The pup, which is born black, will molt into a silver coat after 4-6 weeks, once it is weened. The female will breed again before her pup leaves and she returns to the ocean. Most elephant seals will return to their place of birth when they reach sexual maturity.

On January 31st, 2002, a female elephant seal, known locally as “Elsie Mae,” gave birth to a pup on the beach at Bowman Bay in Deception Pass State Park. Elsie Mae was born on a private beach on Whidbey Island in 2018 and has been seen in multiple state parks over the past four years. It is believed that Elsie Mae will now birth a pup every 1-2 years at Bowman Bay.

Elsie Mae has imprinted on humans and dogs. She is “friendly,” and locals all over Whidbey Island have stories of her playing with traffic cones, trying to get into kayaks, barking at RVs, trying to make friends with dogs or harbor seals, and attempting to enter homes. However, as a mother, she will be protective of her pup.

All marine mammals are protected under the Marine Mammal Protection Act of 1972 (16 USC 1361-1407). It is against federal law to harass or otherwise “take” marine mammals, including disrupting important behavioral patterns such as resting, nursing, feeding, or breeding. Harassing these animals in any way that disturbs their natural behavior could face civil penalties of up to \$11,000 in fines and possibly one year in prison.

To protect Elsie Mae and her pup, it is necessary to take steps to keep visitors and pets at a distance. Temporarily closing public access to the area around Elsie Mae and her pup, as well as prohibiting pets in the surrounding area, will help to keep the seals safe and protect the public from a potentially protective mother seal.

Authority: Washington Administrative Code (WAC) provides State Parks’ director with authority to close parks areas for specific purposes. Temporary closures are allowed under WAC 352-32-020 (2): “The director or designee may, for a specified period or periods of time, close any state park area to public access if the director or designee concludes that such a closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources.”

Additionally, WAC 352-32-060 (4) states: “In any state park area, pets or domestic animals, except for assistance dogs for persons with disabilities, may be prohibited in areas where there could be conflict with domestic livestock or agricultural activities on adjacent land, for the protection of wildlife, sensitive natural systems, special cultural areas, or for other recreational or health and safety purposes, if approved by the director or designee and so posted.”

Risk: While some visitors may be disappointed about restricted access at Bowman Bay, allowing visitors and pets in the area pose risks:

- 1) A pet may harm or kill the seal pup
- 2) Elephant seals have large sharp teeth and can bite. In addition, they carry bacteria that can cause serious infections for humans and pets. Elsie Mae may harm or kill a pet to protect her young.
- 3) Female seals fast while nursing their young. Disturbance by humans/pets can cause Elsie Mae to expend extra energy, negatively impacting her well-being.
- 4) Harassing Elsie Mae and her pup is a violation of the federal Marine Mammal Act.

Fiscal Impact: The closures could negatively impact Discover Pass sales, but the impact is expected to be small.

Coordination with Other Divisions, Programs, and Agencies: The closures were requested by Jason Armstrong, Deception Pass Area Manager. Stewardship staff further coordinated the closures with Jon Crimmins, Northwest Region Manager.

Requested Action: Staff recommends that the Director close lower Bowman Bay to public access, pursuant to WAC 352-32-020 (2), and close the surrounding area to pets, pursuant to WAC 352-32-060(4). The closure areas are illustrated in *Figure 1. Bowman Bay temporary closures for elephant seals*. It is recommended that the closure go into effect immediately upon

approval and extend for ten weeks, through April 15, 2022, to provide protection for the seal pup. The closure period could be shortened if the pup no longer requires protection.

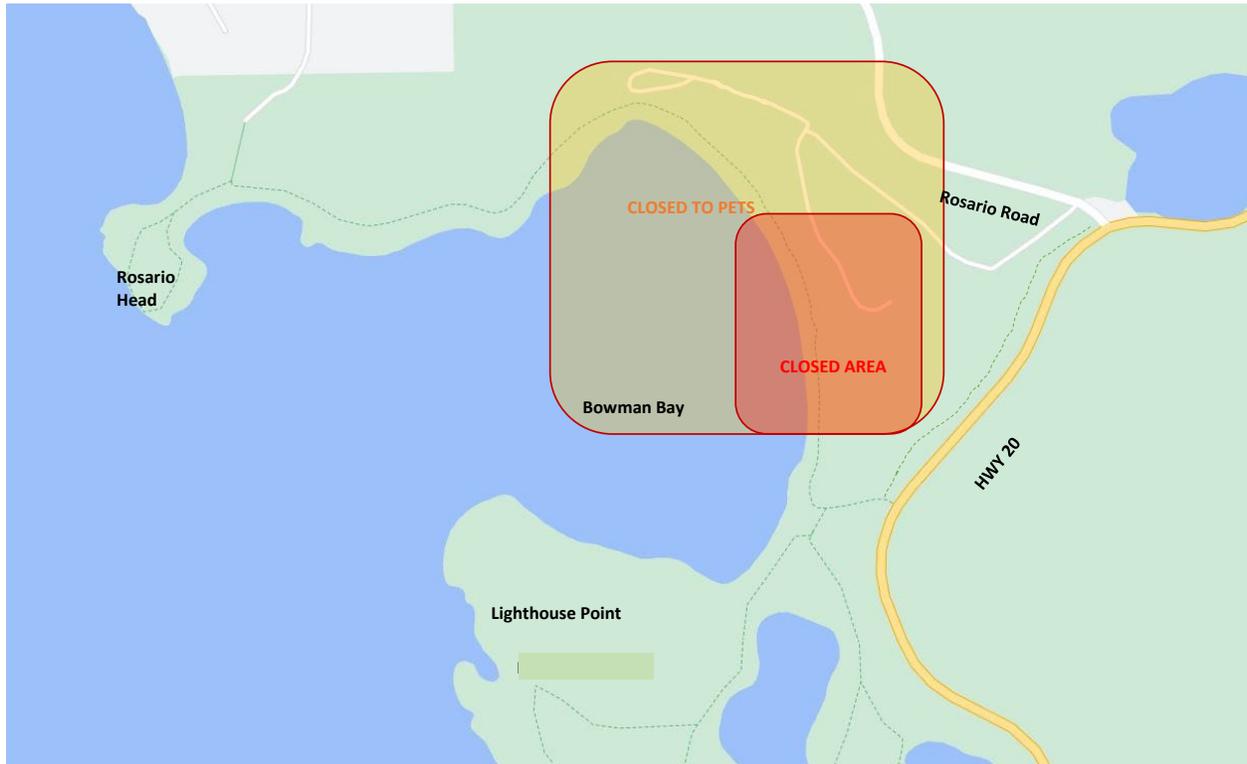
I approve the staff recommendation to close the Bowman Bay areas depicted in Figure 1. The closure will go into effect immediately and extend through April 15, 2022.

This action is exempt from the procedural requirements of SEPA under WAC 197-11-800 (12) **Enforcement and inspections.**

Don Hoch, Acting Director

Date

Figure 1. Bowman Bay temporary closures for elephant seals.



CLOSED TO PETS: Bowman Bay

CLOSED AREA: Bowman Bay Boat Launch i.e. Lower Bowman Bay