
**Agriculture & Natural Resources
Committee**

HB 2514

Brief Description: Protecting orca whales from the impacts from vessels.

Sponsors: Representative Quall.

Brief Summary of Bill

- Prohibits non-exempt people and their vessels from knowingly being within 300 feet of or feeding any southern orca whale.
- Requires the Washington State Parks and Recreation Commission and the Washington Department of Fish and Wildlife to disseminate information about the prohibitions, exemptions, and other regulations regarding southern orca whales.

Hearing Date: 1/17/08

Staff: Jaclyn Ford (786-7339).

Background:

The orca (*Orcinus orca*)

The orca is the official marine mammal of the state of Washington [RCW 1.20.037].

The federal government listed a population of orcas, known as the Southern Residents, as "endangered" under the Endangered Species Act in December 2005. These orcas spend each summer and fall in Washington State's Puget Sound. The population is composed of three family groups of whales that have been named J, K and L pods.

Some of the possible causes of the Southern Resident's decline are: reduced quantity and quality of prey; persistent pollutants that cause immune or reproductive system dysfunction; oil spills; and noise and disturbance from vessels. Federal rule implementation is estimated to occur by late 2009.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In the summer of 2007, San Juan County passed a local ordinance to protect the endangered Southern Resident orca whale population from boaters. The San Juan County ordinance is based on the "Be Whale Wise" guidelines developed by the Whale Watch Operators Association Northwest and the Whale Museum Sound Watch Boater Education Program. County marine enforcement can issue citations for those boaters harassing the whales within San Juan County waters.

Boating Safety Laws

Washington's boating safety laws are administered by the State Parks and Recreation Commission (State Parks) [RCW 79A.60]. Every law enforcement officer in Washington and its political subdivisions has the authority to enforce the boating laws, including county sheriffs, officers of other local law enforcement entities, the State Patrol, state park rangers, and the Washington Department of Fish and Wildlife (WDFW) [RCW 79A.60.100].

Natural Resource Infractions

A natural resource infraction is a monetary penalty of no more than five hundred dollars for each offense, unless specifically authorized by statute [RCW 7.84.100]. Natural resource infractions are non-criminal offenses contained in RCW Titles 76 (Forests and Forest Products), 77 (Fish and Wildlife), 79 (Public Lands), 79a (Public Recreational Lands) and Chapter 43.30 (Department of Natural Resources).

Summary of Bill:

It is a natural resource infraction to knowingly approach or cause a vessel to approach a southern orca whale within 300 feet. It is also a natural resource infraction to knowingly intercept, feed, or fail to disengage the transmission of a vessel within 300 feet of a southern orca whale.

A person is exempt from these requirements if the safety of the vessel, crew, or passengers is in jeopardy; because vessel design limitations; or weather conditions make complying infeasible. Also exempt are commercial fisher people actively tending to their gear, officials on duty, and people authorized by a state or federal agency.

The WDFW and the State Parks will disseminate information about the new regulations regarding southern orca whales, current whale and wildlife viewing guidelines, and other responsible wildlife viewing messages.

Washington law enforcement is encouraged to utilize all existing statutes and regulations, including the boating safety laws, to protect southern orca whales from impacts of vessels.

Appropriation: None.

Fiscal Note: Requested 1/8/2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.