
**Technology & Economic Development
Committee**

HB 1031

Brief Description: Concerning the use of unmanned aerial systems near certain protected marine species.

Sponsors: Representatives Lytton, Morris, Tarleton, Fitzgibbon, Springer, Gregerson and Hudgins.

Brief Summary of Bill

- Adds unmanned aerial systems to the types of objects prohibited from approaching a southern resident orca whale.
- Adds a definition for unmanned aerial systems.

Hearing Date: 1/17/17

Staff: Lily Smith (786-7175).

Background:

Unmanned aerial systems (UAS), often referred to as drones, are aircraft without a human pilot on board. The flight is controlled either autonomously by computers, or under remote control by a pilot. There are no Washington State laws that specifically regulate UAS.

The federal government has broad authority to regulate the use of airspace, and in 2016 finalized the first rules governing the operation and certification of small civil unmanned aircraft under 55 pounds. The rules do not apply to UAS flown for recreational purposes, which are exempt from federal regulation if they meet certain criteria.

Southern resident orca whales are the only known resident population in the United States, and are listed as an endangered species under federal and state law. According to the National

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Oceanic and Atmospheric Administration, the current population of southern resident orca whales is approximately 80.

It is unlawful to conduct various activities in proximity to a southern resident orca whale, including causing a vessel or other object to approach within 200 yards. A "vessel" includes aircraft on the water surface and watercraft capable of being used for transportation. It does not include inner tubes, air mattresses, sailboards, small rafts, or flotation devices or toys usually used by swimmers. Exempted activities include, but are not limited to, permitted scientific research and operating a government vessel when engaged in certain official duties. A violation of this provision is a natural resource infraction enforced by the state Department of Fish & Wildlife, with a penalty of \$500 and statutory assessments.

Summary of Bill:

"Unmanned aerial systems" are added to the types of objects prohibited from approaching a southern resident orca whale.

Approaching within 200 yards is specified as measured in any direction, including vertically.

"Unmanned aerial system" is defined as an aircraft that is operated without the possibility of human intervention from on or within the aircraft, and any hardware or software associated with its operation.

Appropriation: None.

Fiscal Note: Requested on January 13, 2017.

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