

HOUSE BILL REPORT

HB 1341

As Passed House:
March 1, 2019

Title: An act relating to the use of unmanned aerial systems near certain protected marine species.

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

Sponsors: Representatives Hudgins, Morris, Tarleton, Doglio and Kloba.

Brief History:

Committee Activity:

Innovation, Technology & Economic Development: 1/30/19, 2/5/19 [DP].

Floor Activity:

Passed House: 3/1/19, 67-26.

Brief Summary of Bill

- Adds a definition for unmanned aerial systems.
- Adds unmanned aerial systems to the types of objects that are currently prohibited from approaching a southern resident orca whale.
- Creates an exemption to the prohibited approach when an unmanned aerial system is in active transit to an unrelated destination.

HOUSE COMMITTEE ON INNOVATION, TECHNOLOGY & ECONOMIC DEVELOPMENT

Majority Report: Do pass. Signed by 8 members: Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Morris, Slatter, Tarleton, Van Werven and Wylie.

Minority Report: Do not pass. Signed by 1 member: Representative Boehnke, Assistant Ranking Minority Member.

Staff: Yelena Baker (786-7301).

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.

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 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 orca whale population in the United States. They are listed as an endangered species both by the Washington Fish and Wildlife Commission and under the federal Endangered Species Act, and their current number is estimated to be 75. Identified threats to the whales include food scarcity, exposure to toxic pollutants, and vessel presence and noise.

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 and Wildlife, with a penalty of \$500 and statutory assessments.

Summary of Bill:

"Unmanned aerial system" (UAS) 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.

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.

It is not a violation if a UAS approaches a southern resident orca whale solely by virtue of the UAS being in active transit to an unrelated destination.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a step towards increasing protections for southern resident orcas who are critically endangered. The orcas face three main threats: noise and disturbance, prey availability (Chinook salmon), and toxins and contaminants. This bill would help address the threat of disturbance specifically. This is important in the immediate term to allow the whales a safe space to find available prey while efforts to increase the Chinook population are underway.

(Opposed) None.

Persons Testifying: Penny Becker, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.