

# SENATE BILL REPORT

## SB 5330

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As of February 1, 2021

**Title:** An act relating to commercial whale watching licenses.

**Brief Description:** Regarding commercial whale watching licenses.

**Sponsors:** Senators Van De Wege, Salomon, Warnick and Wilson, C..

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/04/21.

**Brief Summary of Bill**

- Requires a commercial whale watching license for commercial whale watching operators viewing southern resident orca whales.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** In 2019, the Legislature required the Department of Fish and Wildlife (DFW) to implement a commercial whale watching license. License and application fees are based on the type of vessel and number of passengers. The application fee is \$75. The annual license fee is \$200 and the annual per vessel fees vary based on the number of vessels and whether the vessels are motorized or human-powered.

Commercial whale watching without a permit, or violating DFW rules regarding commercial whale watching, is a misdemeanor, and doing so within one year of the date of a prior conviction is a gross misdemeanor. Upon conviction of a gross misdemeanor, DFW must deny applications for a commercial whale watching license or alternate operator license for up to two years from the conviction.

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

The Legislature directed DFW to adopt rules for holders of a commercial whale watching license for the viewing of southern resident orca whales for the inland waters of Washington by January 1, 2021. The rules must be designed to reduce the daily and cumulative impacts on southern resident orca whales and consider the economic viability of license holders.

The rules took effect on January 23, 2021 and establish licensing, training, reporting, and compliance monitoring procedures, including reporting of southern resident orca whale sightings. The training and reporting requirements go into effect May 1, 2021. The rules also set limitations on commercial whale watching operators viewing southern resident orca whales, including:

- making it unlawful for more than three motorized commercial whale watching vessels to be within the vicinity of a group of southern resident orca whales or for any operator to be in the vicinity of a group of southern resident orca whales that contains a calf under one year of age or if there is a whale designated as sick or vulnerable;
- setting a no-go zone on the west side of San Juan Island for motorized commercial whale watching vessels, allowing a 100-yard corridor along the shore for commercial kayak tours;
- making it unlawful for motorized commercial whale watching vessels to approach within one-half nautical mile of a southern resident orca whale except during two, two-hour periods from July to September; and
- establishing, for human-powered vessels, a no launching requirement within one-half nautical mile of southern resident orca whales and a raft-up requirement if southern resident orca whales are encountered.

**Summary of Bill:** A commercial whale watching license is required for commercial whale watching operators viewing southern resident orca whales. The definition of commercial whale watching is amended to mean the act of taking, or offering to take, passengers aboard a vessel in order to view southern resident orca whales in their natural habitat for a fee. Commercial whale watching operators includes commercial vessels and kayak rentals that are engaged in the business of southern resident orca whale watching. A commercial whale watching vessel means any vessel that is being used as a means of transportation for individuals to engage in commercial southern resident orca whale watching.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.