

FINAL BILL REPORT

2SHB 2514

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Synopsis as Enacted

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

Sponsors: By House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Quall, Appleton, McCoy, Morris, McIntire, Nelson, Kagi and Upthegrove).

House Committee on Agriculture & Natural Resources

House Committee on Appropriations Subcommittee on General Government & Audit Review

Senate Committee on Natural Resources, Ocean & Recreation

Background:

The Orca (*Orcinus orca*).

The Orca is the official marine mammal of Washington.

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'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.

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 may 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 Washington State Parks and Recreation Commission (State Parks). 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 Washington State Patrol, state park rangers, and the Washington Department of Fish and Wildlife (WDFW).

Natural Resource Infractions.

A natural resource infraction is a monetary penalty of no more than \$500 for each offense, unless specifically authorized by statute. Natural resource infractions are non-criminal offenses.

Summary:

It is a natural resource infraction to approach or cause a vessel to approach within 300 feet of a southern Orca whale. It is also a natural resource infraction to 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 a reasonably prudent person in that person's position would determine that compliance with the requirements would threaten the safety of the vessel, crew, or its passengers, or vessel design limitations make complying infeasible, or weather conditions restrict the vessel's maneuverability. Also exempt are commercial fishers 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 the impacts of vessels.

Votes on Final Passage:

House	67	27	
Senate	41	7	(Senate amended)
House	71	22	(House concurred)

Effective: June 12, 2008