

# SENATE BILL REPORT

## EHB 1031

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As Reported by Senate Committee On:  
Energy, Environment & Technology, February 22, 2018

**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 Lytton, Morris, Tarleton, Fitzgibbon, Springer, Gregerson and Hudgins.

**Brief History:** Passed House: 2/08/18, 67-31.

**Committee Activity:** Energy, Environment & Technology: 2/20/18, 2/22/18 [DP, w/oRec].

### Brief Summary of Bill

- Prohibits an unmanned aerial system (UAS) from approaching within 200 yards of a southern resident orca whale.
- Allows the 200 yards to be measured in any direction, including vertically.
- Exempts a UAS that approaches a southern resident orca whale while in active transit to an unrelated destination.

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## SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TECHNOLOGY

**Majority Report:** Do pass.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins, Hobbs, McCoy, Ranker, Sheldon and Wellman.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Ericksen, Ranking Member; Brown.

**Staff:** Angela Kleis (786-7469)

**Background:** A UAS, also called a drone, is an aircraft without a human pilot onboard. A UAS is controlled by an operator on the ground. The Federal Aviation Administration

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regulates UAS use and airspace in the United States. There are many types of federal airspace restrictions that commonly affect UAS flights including security sensitive airspace restrictions and restricted or special use airspace. There are currently no Washington laws regulating UAS flights.

Southern resident killer whales, also known as southern resident orcas, are classified as an endangered species by the U.S. and Canadian federal governments and by Washington State. The population numbers 78 whales as of June 2017. Identified threats to the whales include declining abundance of salmon, exposure to toxic pollutants, and vessel noise and presence.

Current state regulations make it unlawful to:

- cause a vessel or other object to approach within 200 yards of a southern resident orca whale;
- position a vessel to be in the path of a southern resident orca whale at any point within 400 yards of the whale;
- fail to disengage the transmission of a vessel that is within 200 yards of a southern resident orca whale; and
- feed a southern resident orca whale.

There are several exemptions such as government vessels on official duty, authorized scientific research, and rescue or clean-up efforts.

Vessel includes aircraft while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water.

**Summary of Bill:** It is unlawful to cause a UAS to approach within 200 yards of a southern resident orca whale. The 200 yards is measured in any direction, including vertically.

It is not unlawful for a person to cause a UAS to approach a southern resident orca whale while in transit to an unrelated destination.

UAS means 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:** Available.

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

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

**Staff Summary of Public Testimony:** None.

**Persons Testifying:** No one.

**Persons Signed In To Testify But Not Testifying:** No one.