

HOUSE BILL REPORT

ESB 5330

As Passed House:

April 23, 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:

None.

Floor Activity:

Passed House: 4/23/21, 98-0.

Brief Summary of Engrossed Bill

- Requires all businesses that engage in the activity of commercial whale watching to acquire an annual commercial whale watching business license.
- Requires a person to obtain a kayak guide license and be designated on a commercial whale watching business license order to conduct commercial whale watching via guided kayak tours.
- Requires any person who operates a motorized or sailing vessel engaged in the business of whale watching to hold an annual commercial whale watching operator license.
- Waives commercial whale watching license and application fees for calendar years 2021 and 2022.

Staff: Rebecca Lewis (786-7339).

Background:

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.

Commercial Whale Watching Licenses.

In 2019 the Department of Fish and Wildlife (DFW) was directed to implement a commercial whale watching license for Puget Sound and related inland marine waters of Washington. Annual license and application fees were established in statute, with an additional license fee for each vessel designated under a whale watching license. The application fee is \$75, and the annual license fee is \$200. The additional annual license fees are as follows:

- For motorized or sailing vessels:
 - \$325 for one to 24 passengers;
 - \$525 for 25 to 50 passengers;
 - \$825 for 51 to 100 passengers;
 - \$1,825 for 101 to 150 passengers; and
 - \$2,000 for 151 or more passengers.
- For kayaks:
 - \$125 for one to 10 kayaks;
 - \$225 for 11 to 20 kayaks;
 - \$425 for 21 to 30 kayaks; and
 - \$625 for 31 or more kayaks.

A commercial whale watching license holder may substitute a motorized or sailing vessel designated on their commercial whale watching license for a fee of \$35 instead of the applicable vessel fee to designate an additional vessel. The vessel operator must submit an application to the DFW with the \$35 fee and a \$105 application fee. The DFW may only change a vessel designation on a commercial whale watching license once per calendar year.

A person who holds an alternate operator license may be designated as an alternate operator on a vessel designated under a commercial whale watching license. The annual fee for an alternate operator license is \$200 with a \$75 application fee. No person may hold more than one annual alternate operator license, but a person may be designated as an alternate operator on an unlimited number of vessels.

Review and Reporting.

At the direction of the Legislature, the DFW convened an independent science panel in cooperation with the Washington State Academy of Sciences to review the most current and best available science regarding impacts to southern resident killer whales by small vessels and commercial whale watching vessels. The DFW must use the review in the rulemaking process and for adaptive management of the commercial whale watching program. Recommendations on adaptive management of the licensing program, commercial southern resident killer whale viewing regulations, and broader rules for boaters regarding southern resident killer whales were issued in September of 2020.

The DFW must also provide a report containing an analysis of the effectiveness of the program and any recommendations for changes to the license fee structure to the Governor and the Legislature by November 30, 2022, and every two years thereafter until 2026.

Summary of Bill:

All businesses that engage in the activity of commercial whale watching must acquire an annual commercial whale watching business license. The commercial whale watching business license fee is \$200, with a \$75 application fee. The vessel fees for the new commercial whale watching business license are the same as the previous commercial whale watching license.

In order to conduct commercial whale watching via guided kayak tours, a person must obtain a kayak guide license and be designated as a kayak guide on the underlying commercial whale watching business license. The kayak guide license is \$25, with a \$25 application fee. A person who holds a kayak guide license may be designated on an unlimited number of commercial whale watching business licenses, but may hold only one kayak guide license.

Any person who operates a motorized or sailing vessel engaged in the business of whale watching must hold an annual commercial whale watching operator license. The fee for an annual commercial whale watching operator license is \$100, with a \$75 application fee.

Residency and business requirements do not apply to Canadian individuals or corporations applying for and holding commercial whale watching business licenses, commercial whale watching operator licenses, or a kayak guide licenses.

The new license and application fees are waived for calendar years 2021 and 2022.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.