

Appendix C-1: DEIS Public Comments and Responses

(Webform and Public Meeting)

The comments below were submitted via WDFW’s online public comment form or verbally at the virtual public meeting during the DEIS 30-day public comment period (see Appendices C-2 and C-3 for letters/attachments submitted during this time). The comments are listed in the order in which they were received.

Name & Affiliation (if provided)	Comment Submitted	Response
David Turnoy	I support alternative 1, the most restrictive alternative that curtails commercial whale watching the most.	Thank you for your comment.
Jessica Dahl	In support of Alternative 1.	Thank you for your comment.
Aurore Maren	Please choose alternative # 1. Thank you	Thank you for your comment.
Lucas W Limbach	We prefer alternative 1.	Thank you for your comment.
Elisabeth Robson	I would like to see ZERO whale watching allowed for the SRKW and limited whale watching allowed for the Transients. Given the four alternatives, I'd support alternative 1, but again, I'd like to see the time for SRKW at ZERO at ALL times.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Jennifer Krajack	Alternative 1 please. Unfortunately we are passed the point of implementing 2 or 3 or any other option. I am interested too on enforcement. If 1 is implemented how do you enforce? Thank you! Jen Krajack	Thank you for your comment. Enforcement practices are outside the scope of the FEIS as outlined in RCW 77.65.620.
Richard Fagen	Much prefer Alternative 1, the most restrictive	Thank you for your comment.
Nancy Bingham	I prefer commercial whale watching be banned entirely for the sake of the survival and well-being of the Southern resident Orca families. Given the choices offered I would select the first, most restrictive choice.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all of its component ranges which would eliminate CWW impacts on SRKWs and all marine life.

C.S.	As someone who deeply appreciates and loves our whales, I support and encourage WDFW to take a strong stance to protect our whales and adopt "Alternative 1", which places the greatest level of restrictions on commercial whale watching operations. These waters are their homes. You wouldn't want strangers coming into your home and banging pots and pans while you're trying to eat, sleep, or care for your children - no matter how much such disturbance is because people say they love you and want to see you in your grandeur at home. Humans need to show more respect to nature. There should be strong protections for whales, even if that means keeping supposedly nature-loving folks out of the whales' dining rooms, bedrooms, and living rooms. This is their home, not ours. We are simply guests and need to start acting like it. Please enact the strongest measures possible to limit disturbances to the whales. Thank you.	Thank you for your comments.
Beth Shirk	I support Alternative 1 in order to protect the resident whale population.	Thank you for your comment.
Donna Snow	I wish to support the option to provide the greatest protection to the whales by limiting any boat traffic near to the whales. They need an absence of human noises to locate their food prey and to protect them from physical strikes by boats.	Thank you for your comment.
Faith Van De Putte	I strongly urge you to recommend "alternative number 1" as articulated in the Draft Programmatic Environmental Impact Statement: Commercial Whale Watching Licensing Program. As a fourth generation Lopezian I have seen the steady increase in whale watching operations in the county. We do not need to sacrifice the SRKW for the financial gain of one sector of our economy. The island economy will survive and be stronger without whale watching. I would support a total ban of whale watching if it was an option.	Thank you for your comment.
David Robison	I support Alternative 1, the most restrictive, to protect the SRKW population and support its increased. While this will have significant impact on the commercial whale-watching industry, there are some alternatives, such as land-based and more kayak-based trips. If the whale population shrinks any further, there won't be any CWW opportunities anyway. Let's protect the future of the SRKW population and the industry at the same time.	Thank you for your comment.
Tawnya Bissell	I support 1st proposal for most limited CWW. Thank you.	Thank you for your comment.
Susan Roth	I would agree with the more limitations on whale-watching activities the better. I would support eliminating whale-watching activities altogether. As humans, we have the thinking capabilities to find other means of entertainment and types of jobs. For the orcas, this is a life or death situation. Please let's keep this in mind as our top priority.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Laura Reding	I support Alternative 1.	Thank you for your comment.
Kate Sorensen	I have lived in Washington State my whole life and have had one sighting of the southern residents. I am in support of Alternative 1. I think the time is now to put forward our best efforts to protect these animals when there are so few left. I want my great-grandchildren to see an orca in the wild - from a quiet, respectful distance.	Thank you for your comment.

Sue Roundy	Alternative #1 is the best option but may not be restrictive enough to allow the SRKW population to recover. I love overlooking the water so see commercial whale watching activities. The boats follow the whales too closely and attract other non commercial boaters two do the same. We've counted 2 dozen boats at one time. It is truly harassment of this endangered species! Thanks for the opportunity to comment.	Thank you for your comment.
Liz Scranton	As long as the SRKW are listed as an endangered species, I believe that the most restrictive policies, which severely limit CWW operators should be enacted. Recreational boaters should also be instructed to follow these policies and steep fines should be imposed on individuals who do not follow the regulations. We must do all we can to protect this species and the time has come to prevent exploitation of the species for economic profit at the expense of the survival of the species.	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders.
Kate Ryan	The orcas of Puget Sound are too fragile a population to take any chances with at all. I believe all whale watching tour boats, etc. should be completely banned.	Thank you for your comment. Abolishing CWW is outside the scope of the EIS per RCW 77.65.620.
Susan Plahn	I am in favor of restricting the whale-watching boats to limit the amount of time that Orcas are exposed to noise and harassment by people in boats.	Thank you for your comment. Duration is one of the 13 alternative components that the FEIS analyzes.
Eden Zillioux	The SRKW population is, even after all the studies and research and task forces and meetings, still under extreme stress, as their population is still dwindling. They are followed by vessels everyday, all day, and have been spending more time in Canada's waters because of this harassment they are subjected to. The whale watching industry's exploitation of these orca families is embarrassing and relentless, and it needs to stop immediately.	Thank you for your comment.
Julienne Battalia	The southern residents are "persons" that deserve the right to survive, thrive and regenerate their life cycles. Whale watching harasses the southern residents. These beautiful beings will go extinct if we don't wake up. Please ban whales watching of the magnificent southern Resident orcas. Your great grand children will know they are still here because you listened to the truth. These are intelligent sentient beings who deserve to have the right to survive, thrive and regenerate their life cycles.	Thank you for your comment.
Steven Horn	I think there needs to be a full moratorium on whale watching in the Salish Sea. The whales are adversely impacted by the noise and pollution, and the whale watch industry can still take people out to see the beauty of the sea.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Sage Dilts	We need a moratorium on whale watching vessels. No need for them and we are going to loose our whales be ause of them the industry will die either way.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate

		CWW impacts on SRKWs and all marine life.
Derek	We must absolutely create strong restrictions on all boating activity involving the endangered southern resident whales. Commercial whale watching boats should be restricted or even eliminated. Boats and noise cause significant harm to the endangered whales by disrupting their natural setting, causing them stress and fear, and reducing their ability to thrive in their own environment. We should not put profits ahead of the natural environment and these important whales that are one of a kind in the world. We must support the biodiversity of the Puget Sound region. We humans can find other ways to make a profit without harming endangered animals. The whales do not have that luxury, so we must do everything we can to protect them. These restrictions should be as strict as possible, and should ideally go so far as to ban whale watching entirely!	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Andrea Finley	The southern residents are abandoning San Juan County waters and moving into Canada because of vessel harassment. The ONLY immediate relief for the critically endangered orcas is a moratorium on whale watching.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Nick Teague	Considering the Range of Alternatives and the Cumulative impacts/ analysis, I do not believe an overall Moratorium on the CWW activities was strongly considered and or thoroughly examined to incorporate Natural Law and or the inherent Rights on Nature. I do not believe the Analysis, cumulatively, and or effectively considered the processes of the Natural World and or the Cultural significance of these special beings to the Coast Salish Peoples and other members of these bio-regional communities. I did not find, and therefore find fault and neglect in your analysis regarding the interconnectedness of the Orcas to other Salish Sea sharing communities. I believe this interconnected relationship and the inherent Rights of Nature, Natural Law and The Natural World should have been considered in the SEPA's cumulative impacts and analysis. I also do not believe your analysis significantly considered the cumulative impacts and or effects for a time span of seven generations.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Kai Sanburn	The Southern Resident Orca are critically endangered. The Whale Watching Industry is not. The orca must be able to swim freely, to hunt undisturbed and to raise their young without harassment from those that profess to love them. It does not look like 'love' when WW and recreational boats follow orca, in what looks very much like herding, through their home waters. I support the most stringent orca life-supporting regulations on whale watching and recreational boaters. Protect the SRO as aggressively as we can now. Work on increasing food supply for the long term - but stop the harassment now.	Thank you for your comment.
Betina Simmons	I think it's wrong that individuals and companies are allowed to profit from endangering our now rare resident orcas. Scientists say boat noise and harassment are major factors in their decline. These animals are treasured culturally by many and should be allowed to live in peace. We must do what we can to protect the few that remain. There is no reason that	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its

	whale watching boats should be allowed to continue to operate, they are not essential or necessary.	component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Chloe Klein	Please ban all whale watching tours. This is an unethical practice due to the steady decline in killer whale populations. This seems like a no brainer for me.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Wendy Stephenson	Ban whale watching By boat for 3-5 years Please....commercial and private boats just chase them around the bays	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Jane Engle	RCW 77.65.620 as proposed is a good start towards protecting the orcas from further disturbance by commercial whale watching operators. I specifically appreciate the commitment to continue to review the science as it evolves to keep enhancing the pods chances to thrive and be part of the Salish Sea ecosystem.	Thank you for your comment. The FEIS relies on the best available science and in Chapter 2 acknowledges an adaptive management approach.
Robin Westler	Please do everything possible to give the southern resident orcas a chance to survive and increase their population. Limiting/restricting/regulating tour boats is a small price to pay for these amazing creatures. If the whales go extinct the tour boats will lose their jobs so it should be in their interest to help with a solution. And demonstrate that humans can be forward looking stewards of our beautiful region.	Thank you for your comment.
Hannah Alhajahja	Please restrict whale watching to the greatest extent possible. No individual commission has the power to completely transform policy to help the Southern pod orcas thrive - there are too many sources of chemical and noise pollution to do that with merely the EIS. This is one swift way to help protect orcas. Please, do everything in your power to protect them. They are magnificent and innocent	Thank you for your comment.

John Tucker	<p>My observations in the central Strait of Juan De Fuca area are as follows. During the past 10 years there has been a marked increase in the number of whale watching boats in the Port Angeles vicinity. These are primarily based in Victoria British Columbia. During the summer while salmon fishing the location of any whales (gray, humpback or orca) can be determined by the whale watching operators interacting with them. Often 6 to 8 vessels are involved, chasing the animals and running ahead to stop in their paths. Some operators seem to observe some distancing while others have run right on top of the animals. At no time have I ever observed any kind of enforcement during these aggressive interactions. Any kind of of these practices would seem to affect the whales traveling/feeding/normal activity. In my opinion the only way these animals can be preserved would be a moratorium on commercial whale watching and aggressive enforcement of existing laws regarding whale interactions with private individuals, including substantial fines and or vessel seizure. Specifically thinking of the recent surrounding of Orca's near the Tacoma Narrows.</p>	<p>Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
Rex Guard	<p>I'm a 4 th generation islander born and raised in Friday Harbor, we had a beach cabin in half moon bay since 1958, my brother and we're in a 14 foot almost every day fishing, dodging 50-60 pursuing goals boats with each of them having screaming Detroit Diesels pulling out and holding the ending of the seine net, I also stacked web on a block seiner summer of 1978, there were seiners scattered from eagle point to open bay , Henry Island, during those days there were plenty of killer whales, from my observation they were never deterred from all the boat traffic and noise from those screaming jimmy seine sciffs, they meandered threw all those seiners and nets like they weren't even there, if it bothered them so much why wouldn't they have swam outside the sea of seiners; think your barking up the wrong tree, I love the whales as much as the next guy, but facts are facts, I'm not a scientist but common sense would tell me something different, I think they need more salmon and less pollution, old islanders take on things, good luck fighting the no it alls trying to act like they read something somewhere, and need some purpose in life, when they haven't been exposed to real life , outdoors.</p>	<p>Thank you for your comment.</p>
Kenneth Bedell	<p>No whale watching should be allowed by any watercraft or ship or aircraft. Leave the whales alone.</p>	<p>Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
Kerri McCarthy	<p>Orcas should be protected as much as possible. They have enough challenges without humans interfering more than necessary.</p>	<p>Thank you for your comment.</p>
Jacob Manning	<p>Ban jet skis, No gas motors while skiing or fishing. Gas motors for transportation only!</p>	<p>Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only</p>

		apply to commercial whale watching license holders.
Kristina Holley	<p>There are several points that I take issue with in regards to this draft. 1) The Salish Sea is an ecosystem and does not respect state/country lines. Requiring whale watching vessels to have a business license in Washington State is a blatant disregard to that ecosystem and does not allow for a collaborative relationship with our Canadian partners in ensuring that this unique population of orcas have groups in both countries advocating for them through the whale watching community. 2) Under these proposed rules, identification of SRKW and the trajectory of their movement will be most difficult if not impossible to identify. This will ultimately lead to no viewing whatsoever of this population. 3) Professional whale watching companies are some of the greatest ambassadors of the Southern Resident Killer Whale population and report personal boat infractions and act as a model for people with personal watercraft and alert the public to the presence of whales. 5) Complete closure of the west side of San Juan Island would preclude viewing of other animals/birds and education of the general public on this unique area. 6) Lack of Chinook Salmon is the greatest threat to the SRKW population. If whale watching were to blame for the demise of this population, we would not be seeing the spike in other populations of whales including baleen whales and Bigg's Orcas. We are focusing on a much smaller issue that is effecting this population of marine mammals. 7) It is unclear to me how the limitations of not viewing these animals from Oct 1 to June 30 is rooted in fact of the current patterns of SRKW. September is now almost the prime time to observe these whales due to the fall Chum salmon runs. The fact that this is not included makes me doubt the guidelines were designed with the most recent data in mind.</p>	<p>Thank you for your comments. The FEIS analysis relies on the best available science as compiled by the Washington State Academy of Sciences.</p>
Marisa James	<p>Given the continuing degradation of the natural world in general, it only makes sense to me to take the action that takes the most cautious approach to exposing Orcas to negative impacts. Short of banning commercial whale-watching, I think that alternative 1 is the closest to a correct approach.</p>	<p>Thank you for your comment.</p>
Laurie Jones	<p>We have been visitors to San Juan Island for 20 years and on 98% of those visits we go whale watching. The company we use has always been professional and sensitive to the whales by abiding by the guidelines that have been put in place. The whale watch company that we go out with also works as a watch dog to ensure that the private boaters see the whales and don't plow through the middle of them. The whale watch community should not be made out as the bad guy, here. Not only do the proposed rules not make scientific or practical sense, they actually put the whales at greater risk. Without any commercial whale watch vessels on scene with them in inland waters for 9 months out of the year, private boats will be less likely to know the whales are present, private vessel operators will not have a model of what safe boating distances and speeds look like, the military will not be made aware when whales are entering active testing zones, researchers will have more difficulty locating and tracking whales, and key observations that are regularly made and reported by whale watch captains and crew, including injured or malnourished whales, missing whales, and new calves, will go unnoticed for longer periods of time.</p>	<p>Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>

Harry Branch	I have fished for tuna, delivered sailboats from Hawaii, skippered education and research vessels for colleges and dive boats for NOAA. I have a USCG nearshore 100 ton license and have owned a dozen sailboats. I have interacted extensively with gray, blue, sperm and orca whales in both sail and power vessels and I can assure you there is one way to solve this. Boats should only approach whales under sail. It's as bloody simple as that.	Thank you for your comment.
Sherman Griffin	The sounds that propellers make in Puget Sound is quite loud to the human ear. For Orcas, it is significantly higher. Boats that track, follow, and watch Orcas should not be allowed. Given the critical state of this species, I would support a complete ban on Commercial Orca Whale Watching at this time.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Joe Jordan	I believe that all special interest groups should do EVERYTHING in their power to increase and protect orca populations. Similar to how fisherman are being limited on catch, so should whale watching, netting, and other activities that directly affect orca populations.	Thank you for your comment.
Bruce W. Morse	Do the rules address the proximity required to assist an entangled or injured whale?	Thank you for your question. The FEIS does not address the role CWW operators may or may not have in assisting marine mammals in distress, aside from reporting the incident to WDFW Enforcement, SoundWatch, or WRAS.
Eric Bartrand	Observer boats should only use silent electric propulsion within 2km of pods and maintain a minimum distance of 500m.	Thank you for your comment. Washington law prohibits any vessel from approaching SRKWs within 300 yards; positioning itself either in the path of SRKWs or behind SRKWs within 400 yards; or exceeding a speed of seven knots within the vicinity of SRKWs (RCW 77.15.740). The FEIS does not examine impacts to SRKWs in terms of vessel distance or speed.
Melissa Brosnan	I support restriction and mitigation measures in the draft statement that allow for some continued economy activity with substantial protections for the threatened whale population.	Thank you for your comment.
Bonnie Gretz	I support a limit on the number of vessels and duration of viewing of Southern Residents, but that professionally licensed whale watchers continue to be allowed to view whales year-round in order to educate the public, inspire love for these whales, contribute to research, and play an ongoing sentinel role on the water.	Thank you for your comment.

Heather Arps	<p>It is my firm belief that we need to suspend all boat harassment of the whales by placing a moratorium on whale watching for a set period of time and enforce the restriction. Humans have options that are not available to the whales and we need to exercise some self control in order to preserve this icon of the northwest. It would be interesting to see how Covid and the attendant limits to gathering in groups has had on both the whales and the business owners. Living in the San Juan Islands means being creative in your work and living. Its not an easy place to stake a claim but it is worth the effort. Perhaps monies can be found to re-train boat owners and steer them toward other income sources or train them to support scientific study of the waters they rely on for income. Thank you, Heather Arps</p>	<p>Thank you for your comments. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
Roseamber Sumner	<p>I have been a resident and whale watcher in the San Juan Islands for over 40 years. I have never used a whale watching boat service but every time I have seen whales, they have been surrounded by these boats, some coming far too close. There are plenty of studies now to indicate that the motor noise and proximity of boats is detrimental to the life of orca whales. I think the Environmental Impact statement should reflect a strict moratorium on these commercial enterprises as well as a distance maintained for private vessels that reflects the safety of both the animals and the vessels. Sometimes it is unavoidable for a private boat to keep a distance of 650 yards, as the whales are hard to spot at that range, but all care and attention should be stressed to try and do so without undue punishment for accidental proximity, in which case, motors should be turned off or kept extremely low until the whales are out of the 650yard range. Thank you.</p>	<p>Thank you for your comments. Washington law prohibits any vessel from approaching SRKWs within 300 yards; positioning itself either in the path of SRKWs or behind SRKWs within 400 yards; or exceeding a speed of seven knots within the vicinity of SRKWs (RCW 77.15.740). The FEIS does not examine impacts to SRKWs in terms of vessel distance or speed. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
Wendell Bunch	<p>My observation is that commercial whale watching has little or no effect on whale behavior. I believe the small inflatables run by the whale protection groups may have a bigger effect as I have seen them routinely violate the distance rules.</p>	<p>Thank you for your comments.</p>
Jan Scilipoti	<p>Regarding the 4 Alternatives: Let’s keep in mind that keeping the SRKWs healthy and in our region benefits the commercial whale watching industry. Protecting the whales to a greater extent will actually increase the possibility that they can be ‘watched’ for profit. The more restrictive the measures are now, the more likely the whales will continue to be in this region in the future. Regarding “Reporting: CWW operators would be required to report on the presence and location of SRKW to WDFW Enforcement and/or provide documentation of their observations of SRKWs, such as logs of SRKW sightings, viewing, and other on-the-water observations.”: The Pacific Whale Watching Association (PWWA) has an APP that tracks the exact location of 5 types of whales. Access to this APP by regulatory agencies would allow them the same information the whale watching boats are using, and they would not have to solely rely on reporting by operators. Regarding these Education components “Two additional education-based mitigation measures that could enhance conservation are:</p>	<p>Thank you for your comments. The FEIS reporting component does not include the PWWA app because not all CWW operators are PWWA members who have access to the app. The reporting component is designed to be able to apply to any CWW license holder.</p>

	<p>1) SRKW-viewing qualification program that would require CWW operators to demonstrate knowledge of SRKWs and information needed to comply with CWWKP rules and 2) an SRKW curriculum for members of the public and CWW clientele to increase awareness of SRKWs and how to contribute to their recovery.”: It is not that these measures “could” enhance conservation, they WOULD enhance conservation. These components should be mandatory and prioritized.</p>	
Andre Entermann	<p>I have seen the financials of the WW industry in SJ county and it proved they do not need the income from the SRKW. Their profits went up while SRKW sights went down. There is plenty of "healthy" marine life to view. Viewing the SRKW at anytime on purpose has a SIGNIFICANT impact. Prey is the number one problem, but interfering with what little prey is out there with our noises and fuel slicks is not right. Increasing Chinook stocks will take years and should be worked on, but reducing vessel noise will be an immediate benefit to the SRKW. They used to need 2-3 fish in the past, when they were big. Imagine how much work they have to do now catching 50 fish amongst a bunch of vessels following them 24/7? Please create a 650 yd buffer around these magnificent creatures 24 hours a day and keep all vessels out of their historic feeding grounds on the west side of SJ island.</p>	<p>Thank you for your comment. Washington law prohibits any vessel from approaching SRKWs within 300 yards; positioning itself either in the path of SRKWs or behind SRKWs within 400 yards; or exceeding a speed of seven knots within the vicinity of SRKWs (RCW 77.15.740). The FEIS does not examine impacts to SRKWs in terms of vessel distance or speed.</p>
Karen Bertling	<p>Implementation of rules to protect the whales cannot happen soon enough. In my opinion, the final rules must include: 1. Limits on the number of commercial operators receiving licenses. 2. Limits on the number of boats out viewing the whales at any one time, and limits on amount of time any boat is in the vicinity of whales. 3. Most important--strict oversight and enforcement of the rules!</p>	<p>Thank you for your comments.</p>
Michelle Collyer	<p>End commercial whale watching from motorized vessels. Mechanical silence is essential for the well-being of marine wildlife and fossil fuel-powered “leisure” activities are unconscionable. Additionally, we MUST have larger “no vessel” zones in and around the Salish Sea. Thank you for accepting comments.</p>	<p>Thank you for your comments. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
Heike Uhlig	<p>I support Alternative 1 and suggest the following changes: (1) specifically prohibit any CWW operations for the months May through October in the SJIs and October through January in the Puget Sound (2) expand the geographic area to all San Juan Islands, Puget Sound, and Juan de Fuca marine zones (3) increase the safe distance zone for CWW operations to 1000ft (4) require AIS tracking, with a \$3000 fine for violations, and monitor and enforce non-compliance (5) enable the public to report violations These suggestions are a compromise: I strongly believe that all CWW operations should be prohibited year-round anywhere. It’s low-hanging fruit compared to increasing salmon runs and reducing environmental toxins.</p>	<p>Thank you for your comments. The FEIS includes a new AIS component; AIS was addressed in the DEIS as a mitigation measure. It is analyzed for all four alternatives in Chapter 3.</p>

Dave Paton	Much as is currently the case in Canada I don't think WW activity should be carried out in the presence of SRKW at all. The population is too fragile. There are multiple options for viewing transient orcas and other less threatened cetaceans. Furthermore I think even for other cetaceans the numbers of WW boats should be constrained by licensing. Prior to the Corvid created drop in tourism we would see cetaceans being mobbed by many boats from both sides of the border. I think the WW business is in danger of turning the Salish sea into an aquarium.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Bonnie Miller	Of the three main threats to their existence, vessel noise and disturbance is the one threat that we, the people of Washington, can demand that our public agencies remove. Through regulations we can demand quiet engines (electric) and we can demand limits on the number of boats reserved in the TOTAL area of the whales.	Thank you for your comment. Vessel noise is addressed in the Components Considered section of Chapter 2.
Charles Russell	Last July we saw an orca pod near Bird Rocks, San Juan Islands. I kept my distance, I observed several orca immediately swim over to a commercial whale watching boat. They stayed there swimming around and Under the boat for a long time. They were obviously attracted somehow. Isn't that illegal?	Thank you for your comment. The question is not about a topic that is within the scope of the FEIS.
Paul Lindholdt	Limit motorized recreation in Puget Sound and the Georgia Strait to aid the orcas. Suspend the Marine Mammal Protection Act to effect lethal removal of harbor seals. Limit salmon predation by cormorants via lethal means as well.	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders.
Liz Malinoff	The draft is a step in the right direction but will be ineffective without compliance. Compliance needs to be monitored and violators need to be prosecuted and/or lose their license to operate. This plan does not go far enough to really protect Orcas and ensure their survival. There is nothing sadder than watching a fleet of boats, commercial and personal, swarm a pod of whales.	Thank you for your comment. Enforcement practices are outside the scope of the FEIS as outlined in RCW 77.65.620.
Dean Hoshizaki	Whale Watching should be stopped. There is too much disruption in their habitat. Based on my observations, of about 4-6 times a year, every time ANY whale shows up, recreational boats surround it and try to leap frog to get ahead and "see it". When there is a commercial watching boat, their large boat forms an "anchor location" and the recreational boats form a perimeter. This continues for hours. Furthermore, any time a commercial watching boat is in the vicinity, the recreational boats sight it and proceed to encroach and form a perimeter. The whales cannot escape and are constantly resurfacing close to boats. There is no enforcement to prevent this from happening.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Steve Smith	We all see the challenges which the SRKW's are having, but the main issue they face is food scarcity (as evidenced vividly by the proliferation of transient 'Biggs' killer whales in the same waters, with the same toxins and vessel noise, etc.) It's easy to understand why critics (who care about the whales) could focus their attention on what they can see - the boats - instead of what they can't see (fish that aren't coming back like they once did). But devoting energy and resources on monitoring / restricting CWW vessels hurts the SRKW's in three ways: 1) It takes away the role which CWW vessels play in educating, inspiring, and informing the general public about the plight of the killer whales; 2) It actively removes boats (and captains	Thank you for your comments. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as

	<p>/ crew) who frequently intervene to protect the whales from unaware or careless private boaters. I have seen CWW vessels intervene and potentially prevent many collisions between boats and entire pods of whales. The West Side of SJI is a great example of a place where speeding fishing vessels are known to plow right through a foraging pod of orcas, with only the CWW vessels (and their whale flags / radios / direct physical interception) to intervene.3) It uses up funds, energy, and creates a "perception" that meaningful change is happening while distracting from more meaningful (but more complex) change such as habitat recovery, dam removal, and other work to restore chinook salmon runs, their primary food source. I am in favor of legislation that can help mitigate the noise impact which large vessels have in the Salish Sea, but restricting the already-heavily-self-regulated vessels of the Pacific Whale Watch Association (PWWA) puts the effort in the wrong place which not only fails to help, but may actually hurt the SRKW's. If restrictions do go forward, I would suggest that these restrictions be applied only to commercial operators that are NOT part of the PWWA, as the PWWA vessels are already well-regulated and self-regulated. Thank you for your work.</p>	<p>both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>
<p>Peggy J. Printz</p>	<p>Commercial whale watching is a small industry, and the economy of the state would not suffer if it disappeared. Reputable scientists agree, land-based whale watching is by far the best way to view these endangered creatures. The least intrusive way to see orcas is from shore. If whale watching boats must exist, please restrict their frequency and size, and confine them to the greatest possible distance from the whales.</p>	<p>Thank you for your comment.</p>
<p>Fred Mc Culloch</p>	<p>Nothing is wrong with present restrictions. Why not spend this study money on finding more chinook salmon for the residents to eat</p>	<p>Thank you for your comment. Fisheries management is not within the scope of the EIS as outlined in RCW 77.65.620.</p>
<p>James N Browder</p>	<p>I'm in favor of eliminating all commercial and recreational whale watching activities in areas of the orca's primary feeding habitats. I would defer to expert testimony as to the exact areas, however, I will suggest closures of the west coast of San Juan Island, Point Roberts, Rosario Strait and the southern coast Lopez Island. Beyond that, limit viewing to one vessel at a time and reducing the number of whale watching commercial permits. However, viewing gray whales could have vastly more permits and areas open as they are near pre-whaling population level in Eastern Pacific.</p>	<p>Thank you for your comment. The FEIS includes a section on Adaptive Management in Chapter 2 that addresses ways in which WDFW could manage uncertainties such as SRKW habitat use.</p>
<p>Kathryn Show</p>	<p>I think it is very important to limit the amount of whale-watching boats and to limit the amount of time they may be near orca whales. I am glad that an independent group of scientists will be studying the advising on the impact of the new rules on the southern orca population.</p>	<p>Thank you for your comment.</p>
<p>Tim Starkovich</p>	<p>Alternative 4 is the only viable option. Please don't destroy responsible whale watch business AND eliminate life experiences for people that would NEVER otherwise see Orca's in the wild. We are spoiled here and I have viewed them dozens of times in the wild. Limiting that possibility for people outside our area would be a unfortunate consequence of alternatives 1-3. I have been cruising the islands on boats for 30 years and have also been</p>	<p>Thank you for your comment.</p>

	<p>watching whale watch vessels in the area interact with whales regularly. When I say interact, I really mean the whales swim toward the boats, almost as if they recognize them. I think unless you are going to limit larger ships from transiting whale habitat areas, limiting whale watch boats is barking up the wrong tree. If you listen to the large ships running up Haro Strait, their low frequency engine and prop noises can be heard for miles. I understand the balance that WDFW is trying to walk here, but I believe many of the policy makers haven't spent a lot of time watching whales from CWW vessels in the wild. They are typically very responsible. I would suggest rather that the policy read "when in the area of Orca whales, and when safe navigation permits, turn off your engines until the whales pass" When underway, follow the guidelines already in place of safe distances while whale watching. Thanks for reviewing my comments and good luck with the impact statement.</p>	
Michael Rosenwood	<p>As a recreational boater in the Salish Sea, I have watched commercial whale watch boats rapidly approach whales and then follow them, attracting many other boats in the process. While they may be technically following the rules, they are certainly NOT having a positive impact on the whales, in any conceivable way. This is all about money. The boats are large, powerful, and noisy. Whales have a tough enough time without this harassment.</p>	<p>Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>
Jacques Moitoref	<p>Regarding the proposal to license the whale watchers in order to lessen their impact on the whale's lives. Skagit Valley Herald, Sat. Oct 3. How ludicrous! Regulating the hourly viewing-stalking schedule is only scheduling the torture program. Whales are not fish. They are sentient warm-blooded mammals with a complex social structure and hearing far more sensitive than ours. Underwater, sound travels faster and farther than through air. Underwater, whales can communicate phrases of clicks whistles and pulses in songs lasting hours, over thousands of miles. For a mother and calf, proximity to a motor boat is like for a human mother nursing a baby, to be standing next to a jack hammer. The number of daily hours a mother and calf's communication is shouted out by internal combustion engines is not our property to regulate. Such terrorizing would not be tolerated for one minute in a human situation, no matter how much money the tour guides "earned". Whales are entitled to the comfort of their home. Stay out of their backyards and bedrooms; they don't get near ours. If the chattering gawkers must invade their domain, at least have the courtesy to turn off the deafening grind of their engines. Short of banning motor vessels outright, the first, most obvious solution to the problem would seem to be mandating conversion to merciful, quieter electric motors. Expensive? Yes, but what's worse, the extinction of noisy, stinky carnival boats or the extinction of the whales? Electric motors, electric motors, electric motors. Thank you.</p>	<p>Thank you for your comment. The FEIS addresses the topic of electric motors/different propulsion systems in Chapter 2.</p>
Julienne Battalia	<p>Option 1 is the best option for the whales health and well being. The Whales deserve to be free of noise for as long a possible.</p>	<p>Thank you for your comment.</p>

Brian Sharp	I oppose these regulations. The the whale watcher protect the whale. Your regulations will not help the whales and in the long run will hurt the whales.	Thank you for your comment.
Cindy Hansen- BOLD	Thank you for the opportunity to provide comments on the DEIS for the Commercial Whale Watching Licensing Program. BOLD is an informal advocacy partnership consisting of members of Orca Network, Orca Behavior Institute, Whale Scout and Salish Sea Ecosystem Advocates. We are dismayed that professional whale watching continues to be a scapegoat even though there is peer reviewed science and data showing that lack of salmon is the biggest factor contributing to the Southern Resident orca population decline and reduced use of their core summer habitat. The DEIS lists potential benefits to Southern Resident orcas due to various restrictions on viewing, but it does not take into account the negative impacts from recreational vessels, which will likely increase if commercial whale watching boats are not present. Data from Soundwatch shows that recreational boats are responsible for the majority of infractions of current laws regarding vessels with Southern Resident orcas. The DEIS does not incorporate the sentinel effect of whale watching because there is not currently any peer reviewed science to support it. Statements and comments from eyewitnesses and many members of the public are not being incorporated, even though the Washington State Academy of Sciences Review of proposals states that anecdotal observations can be useful. The Mitigation Measures section of the DEIS highlights the positive role of commercial whale watching, including identifying and monitoring Southern Resident orcas and communicating with researchers, but these measures are not considered in the majority of the alternatives listed. We encourage you to read and incorporate the attached position paper that was signed by ten respected organizations supporting responsible whale watching and highlighting the positive role they play in education and protection of Southern Resident orcas.	Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.
Philip Friend	Whale watching is a very small industry. Please do everything you can tp protect these whales, limit the number of boats, the kind of noise their vessels generate while around whales, maybe electric only motors while close, and enforce these rules effectively somehow. Perhaps drones would allow you to monitor these vessels more closely. Thanks for your efforts!	Thank you for your comment.

<p>Ginny Broadhurst</p>	<p>1. I think the SEPA document should include a complete ban on whale watching as one of the alternatives in order to comply with the precautionary approach to managing endangered species. 2. I do not believe that there is evidence that commercial whale watching boats fulfill a sentinel role. There may be just as much evidence that they increase boat presence around SRKW's. 3. I think it will be vitally important for any licensed commercial whale watching boat to have AIS to enforce regulations. 4. If a licensing program moves forward, it should give preference to those whale watching vessels that have the quietest engines and that have solid track record of no previous violations of Marine Mammal Protection Act. 5. SRKW excursions in WA waters is limited because of reduced salmon, but that is also inextricably linked with the increase of underwater noise. With quieter waters, the SRKW will have greater success using echolocation to find Chinook salmon and quieter waters may result in them spending more time here. 6. Washington state and federal agencies have been timid for too long about enacting regulations to protect the SRKW. Quieting the waters is one of the few short term actions that can be taken and WDFW should do everything in their powers to protect SRKW.</p>	<p>Thank you for your comments. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKW's and all marine life. Further discussion on this topic is in the Description of FEIS Alternatives section of Chapter 2 of the FEIS.</p> <p>The FEIS includes an AIS component is analyzed for all four alternatives in Chapter 3.</p>
<p>DeAnna Claus</p>	<p>I am very supportive of the licensing rules in Draft A for SRKW watching...no go zone off San Juan, limited months, hours and days, plus limited number of watching whaleboats. We live on high bank waterfront near Anacortes. If you wonder where the whales are, just see where the whaleboats are. The business advertises on its marquee how many days of how many they have seen whales. It is almost every time they go out. Then, as soon as the whale boats gather, multiple private craft flock to the site. It seems to me, the whales simply MUST feel harassed! As much as people want them to reproduce, they recently had to give birth with whaleboats watching. No whaleboats in MY delivery room, thank you. My brother-in-law lives just inside Deception Pass, fairly narrow there, and the boats DO NOT mind the required distance. He has even seen boats go THROUGH a pod, and also kind of herd the whales. Vessel noise is very unfortunate for the whales. Our bedroom must be 150-200 feet beyond the ordinary high water mark, and late in the night (I know these are not whaleboats), there are some boats whose churning engine noise is prolonged, and significantly disturbing. Imagine if you were trying to find and catch fish with echolocation, and everywhere you went, boats showed up. I do worry that if strong limits are put on the whaleboats, they will just switch to even greater attention to the transients, other types of whales, seal, sea lions and bird rookeries. I very much support the "tracking" and reporting components of the proposed licensure. Thank you! DeAnna Claus</p>	<p>Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>
<p>Sha Luca</p>	<p>option A with no shoulder seasons! These whales need more protection than what you are allowing. Additionally, these companies already profit greatly from our natural resources. isn't that enough?</p>	<p>Thank you for your comment.</p>
<p>Carol A Bordin</p>	<p>I support the lives of the Native Southern Resident Orcas and their families/pods. They have a right to live unharmed in the Salish Sea and beyond. Just this year, there have been 3 new calves born to adult females of various pods, so wonderful! However, during the summer months the mothers with calves were harassed by boaters getting right on top of them for a look-see, so harmful to a mother and her calf! Where was WDFW then? I am in total support of the following: 1) removing the dams on the Lower Snake River and Columbia</p>	<p>Thank you for your comments. The FEIS examines possible actions WDFW could take that are under its jurisdiction. This concept is further explained in the Context for FEIS Alternatives section of Chapter 2.</p>

River to allow native stocks of all salmon the ability to move upstream to their native streams to spawn and carry on their life cycles, (2) updating the WA State Ferries to be run on electricity, not fossil fuels, and also to be made as quiet as possible and also equipped with technology to see and know where orcas and all cetaceans are while transporting people/cars to and fro to destinations, (3) closing down all fishing during calving, and when orcas are present in the Salish Sea...all times they are present in the Salish Sea, Puget Sound waterways, (4) Keeping all boaters, fishermen, and whale-watching boats/ships/vessels out of the Salish Sea during calving and when orcas are present in the Salish Sea at increasing number of sightings during the year...they don't need people in the way of their hunting, rearing, and socializing, just living...give the a brake! (5) Consider their lives and the lives of their families before you make it worse for them to exist in our Salish Sea and beyond! People need to RESPECT the Lives of Orcas and All Marine Wildlife and to Coexist with them, not impact and harm them further. I am for the most restrictive use of boaters/fishermen/vessels in the area of the Salish Sea and Puget Sound and beyond Our Washington for what is BEST for them, not us! They Matter! Black and White (ORCA) Lives Matter! Thank you!

<p>Karen Sullivan</p>	<p>Thank you for the opportunity to comment on draft rules that make provisions for how, when and where watching will be allowed to occur in the state's waters, with regard to the Southern Resident Killer Whale (SRKW) population, which is both federally- and state-listed as endangered. I'm a retired endangered species biologist with the U.S. Fish and Wildlife Service. The DEIS is seriously deficient in that it does not consider cumulative impacts, and for other reasons explained below. The SRKW population currently numbers 76 individuals and is the only known resident orca population in the United States. Being an iconic species, they are beloved, and are connected to many Tribal traditions. Unfortunately, they have also experienced double-digit declines since 1995, and this trend has not been reversed despite a few recent calves born. While intentions have been laudable and I applaud the upcoming commercial licensing program beginning January 1, 2021, on-the-ground recovery efforts have been grossly inadequate while threats have increased exponentially. These threats include lack of food (dwindling Chinook salmon populations), noise pollution from vessel traffic doubling every decade (prevents them from using echolocation to catch food), and chemical pollution (PCBs and other toxins concentrate in the tissues of orcas and cause endocrine and immune system disruption when they starve.) The U.S. Navy is increasing its use of sonar and thus its "take" of orcas from 2 per year to 51. Two-thirds of orca pregnancies fail due to nutritional stress. Cumulatively, \$16 billion has been spent without recovering a single salmon population, in part because the big dams on major Western rivers are among the most intractable barriers to salmon, and thus, resident orca, recovery. This impact makes other, smaller ones, loom larger. The DEIS addresses none of this. By recent executive order of the Trump Administration, cumulative impacts under NEPA are no longer properly considered in environmental analyses. But how can you analyze the impacts of a single activity on a population without looking at the whole picture? Death by a thousand cuts is still death. The Endangered Species Act is one of few statutes that put wildlife first. The SRKW's endangered designation is the highest under this law, meaning this distinct population is "in danger of extinction throughout all or a significant part of its range." We have ethical, legal, and financial obligations to protect and conserve them. With so many problems standing in the way of orca recovery, one would think agencies would do everything in their power to better regulate the "low-hanging fruit" of disturbing orcas by boat for recreational purposes, as they try to feed and nurse their young. One of these potential remedies is not even mentioned in the DEIS: incidental take permits. . Disrupting orca behavior is a form of take, whether the vessel is a regular commercial magnet or a privately-owned boat, or a whole flotilla attracted by the magnet. Accountability is part of the deal. I have been aboard a large commercial wildlife-watching vessel in Alaska as it plowed through a raft of more than a hundred resting seals and even bumped an ice floe with its bow, panicking a seal pup waiting for its mother, in order to get "up close and personal" for passengers. I reported it to agency law enforcement and nothing was done about it—and I suspect my experience aboard that vessel was not unique. I have seen commercial wildlife-viewing vessels deliberately nose the bow up to a sea lion haulout rock to spook fifty animals into a dramatic dive into the water while passengers crowded on the bow, obviously forewarned to get ready, and snapped photos. In Canada I watched a commercial vessel follow a humpback so closely for over an hour that it had to finally dive</p>	<p>Thank you for your comments. The FEIS includes more SRKW background information than the DEIS and discusses the suite of threats faced by SRKWs in the Life History, Habitat, and Conservation Status of SRKWs section of the Introduction. "Take" has a specific federal definition under the Marine Mammal Protection Act: to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal. WDFW does not have the authority to permit take and decisions regarding this topic are outside WDFW's jurisdiction.</p>
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	<p>deep and surface a mile away. In the San Juans off Limekiln Point, the whale watching vessels are reliable magnets for private vessels, too many of whom evidently neither know nor care to observe, the rules for safe observation--a photo in the DEIS demonstrates that. Several of these commercial vessels promise viewers a whale sighting or they ride free, thus other boats always know where to look. Your agency's environmental analysis admits there is "little published empirical evidence of the influence, sentinel, or magnet effect" of commercial whale-watching vessels on other boats or kayaks. It also acknowledges that these commercial vessels "can contribute to management and data collection" about the health of the species, but where is that data, and why is it not prominently presented in the DEIS? Where is even anecdotal evidence that these commercial vessels provide a "sentinel" or discouraging effect to orca disturbance or harassment from private vessels? In the absence of such data, one must conclude that the commercial vessels' net effect is adverse. How is regular daily disturbance while endangered whales are trying to feed and nurse calves not considered a form of take? Why is there no ITP required for it? Why are these impacts not considered along with others in a cumulative analysis? The SRKW population is fragile enough now to where resistance to even small impacts in such a big field of them is bound to be lower, especially over time. In 2019 NOAA's National Marine Fisheries Service affirmed the rather desperate conservation needs of the SRKW population by proposing to designate six new areas of critical habitat along the West Coast that included 15,626 square miles of ocean between depths of 20 feet and the 200-fathom line. Critical habitat designations are nearly always controversial and must be justified by extreme need. Agencies don't stick their necks out without good reason; thus, the designation supports the conclusion that the SRKW population is in dire straits and must be afforded every opportunity for recovery. It is obvious that volunteer-based policy hasn't been enough to help recover these animals. Therefore, the precautionary principle must apply and the most restrictive measures should be taken. Alternative A is the least harmful, especially in light of the fact that a cited economic viability analysis confirms that whale watching tours are not financially dependent on viewing this orca population. In fact, it confirms that the industry has remained profitable despite reductions in orca-viewing opportunities over the past ten years. So why would you not adopt the alternative that gives the orcas the best chance of survival, and add to it a program for incidental take permits for vessels in the commercial whale-watching business, along with better monitoring and data-collection from them? Thank you for your attention. Sincerely, Karen Sullivan</p>	
Deirdre Gabbay	<p>I strongly support additional protections for the SRKWs. I prefer Option B because it gives the animals several days per week when there will be zero commercial whale watching boats around them. These "days off" will give them more time to feed free from sound disruption and from the stress of vehicle noise. I believe it is better to have more frequent respite from vehicle harassment even if the season is longer, than to have an intense three month long season with zero days of rest. I care deeply for these animals and their well being. Thank you for the opportunity to comments.</p>	Thank you for your comment.

Shannon Peterson	I fully support the limiting of whale watching tours, the preservation and sanctuary type model of the San Juan’s. Whichever allows the lesser number of tours and days, I fully support.	Thank you for your comment.
Ariel Yseth	I am a volunteer, land-based naturalist. For the last 6 years, I have spent the majority of my free time in the summer along the shores of San Juan Island watching the Southern Residents. I feel that passage of this set of rules would be a detriment to the Southern Residents. The issue has not been officially studied, but I can assure you from my own observations that there are exponentially greater instances of “near miss” incidents (wherein orcas are nearly hit by speeding boats) when whale watching vessels are not present. Whale watching boats are the only boats on the water that actually care to be cautious around the whales and they relay very valuable information on status and location to scientists. For example, just 1 month ago, one of the whale watching vessels reported that J41 had just given birth to a new calf. Last summer, a whale watching vessel alerted researchers that T137A was “not himself” and turned out to have a very serious injury to his tail fluke. I myself was a private passenger on a whale watching vessel on July 6 and witnessed a young humpback whale, three year old named Chip, get run over by a Washington State Ferry. I recorded the video of him sinking to his death. It was naturalists all across the PWWA who banded together to figure out, within hours, who this young whale was and where exactly he had been seen in the previous days. It was because of us on the whale watching vessel who started the chain of events to notify NOAA and WDFW of what had just happened. In all, this is the wrong path to take. You are trying to turn inland Washington into Robson Bight but you are outlawing the only vessels who care about the whales and thus, the only vessels who care to drive cautiously near them. You are NOT addressing private vessels, fishing vessels, or container ships. In my experience, private vessels and fishing vessels are the worst offenders when it comes to endangering the Southern Residents. Passage of this draft makes no sense and is a mistake.	Thank you for your comments. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.
Emily Inlow-Hood	Please ensure your rules protect whales not the whale watching businesses.	Thank you for your comments.

Emily S Crawford	The west side of San Juan Island should be closed to ALL commercial tour activity, including kayak tours. Tours could go north, out of the county park, instead of south. The environment is fragile and the number of people on the water in all water kinds of water craft is having a major negative effect on wildlife. I am a former kayak guide on the coast of SJI and have seen for myself how the actions of kayak tours disrupt the whales passage.	Thank you for your comment. The FEIS includes additional details on the closure of the west side of San Juan Island in Chapter 2.
Fred McCulloch	too restrictive but option A is better than option B	Thank you for your comment.
John W Boyd	<p>I am finding it so hard to read yet another draft. After years of diligence on the part of whale watch vessels, who work hand-in-hand with the wonderful officers out on the water, your latest iteration is worse than ever. I have worked around SRKWs for 24 years. 16 of those years were with the Soundwatch Boater Education program. 20 years as a certified marine naturalist and licensed captain. I have worked alongside Ralph Downes, Taylor Kimball, and Russ Mullins both from the Soundwatch boat and from the whale watch boat I captain. Many of the naturalists and captains in the area do more to observe, preserve, and educate about SRKWs than any other group. This current draft serves only one purpose--to silence those who have wanted to close the entire west side of San Juan Island from whale watching so they can watch from their homes. This current draft removes the group of vessels that are in compliance with all the current regulations. This draft removes the group of vessels that has the lowest percentage of incidents around SRKWs. This draft removes YOUR ability to know where whales are, as well as removes real-time updating. It also removes one of the best partners WDFW has ever had. We not only give your officers on the water locations for whales, we also identify eco-type. When your crew is spread thin (which is pretty much always), whale watch vessels have stood in your place and helped as water-borne sentinels. We take pictures and video of boats in serious violation to help your officers make a case. Thousands (yes thousands) of sentinel actions have been performed by whale watch vessels out on the water. We take the time to wave down private boaters, or call them on the VHF to alert them to the presence of whales. It still astounds many of us who have gone to all the meetings, written thoughtful and scientifically-backed letters that none of our input was taken. When acknowledged experts like Dr. Ken Balcomb or Dr. David Bain give you testimony that is then ignored, it astounds us. When the class of vessels (private motor vessels) that account for over 75% of incidents recorded on the water are given carte-blanche to do as they please around SRKWs while commercial whale-watch vessels, who are consistently most in compliance with the regulations are excluded, it astounds us. When your own officers who are out on the water ,and are the ones working with us tell you this isn't the way to be going (and they have said this), it astounds us. Maybe, just maybe there is still time to change this draft. That experts in the field will be consulted. If this draft goes forward as written, commercial whale watchers will lose an opportunity to teach thousands of people about the whales. To turn passengers into passionate advocates for the whales. If this draft goes forward, WDFW will lose all their credibility that they are working to save these whales using the best science and fact-based information. WDFW will lose all their real-time updates on where the whales are (and the majority of updates come from areas NOT included in the proposed no-go zone, but WDFW only knows about that from reports</p>	Thank you for your comments. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders.

	they get from the commercial boats). If this draft goes forward, the biggest loser will not be the whale watch boats. It will be the SRKWs, who will lose their protection from the educators/sentinels that observe, preserve and educate--the commercial whale watchers. I welcome your reply. Thank you.	
Kerri McCarthy	Everything possible should be done to protect orcas. Please restrict activities that threaten them.	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders.
Karen D	Attacking commercial whale watching only isn't protecting the whales. Raise license fees on private boating and make all vessel users take test on rules to protect wildlife.	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders.
Art Whittlesey	Way too complicated, just like the fishing regulations. Keep it simple. Give the whales their space most of the time. Off limits for these commercial vessels and tour boats that get up on them and follow them for hours every day. Gross. Once again a small group of people ruin for those of us that happen to be in the same area as the whales a couple times every five years. We turn off our motors and let them pass and enjoy the awe inspiring beauty of nature and circumstance. Awesome. But to chase them and annoy them is weird. But please keep it simple.	Thank you for your comment.
Mary Ellen Smith	I wholeheartedly support Alternative #1 and want to encourage WDFW to do everything possible to strengthen the survival options for the Southern Resident Killer Whales (SRKW). I am in favor of very stringent restrictions. For example, no more than 1 CWW vessel at a time for no more than 10 minutes during a specified 2-hour time slot on one specified day each week between October 1 and March 1 if there are no calves under one year of age present. No other CSS intrusions or disturbances should be allowed. It is imperative that we give them their space and the solitude they need to find food, feed, and raise their young without disturbances from we humans. After all they were here long before us and we should respect that longevity and ensure that they survive and thrive long into the future.	Thank you for your comment.
Roger Lahti	As long as salmon and Orcas are endangered there should be no commercial whale watching or commercial salmon harvest within Washington State waters.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Mike Beardemphl	I've been fishing puget Sound for 40 years. I know needed money comes from whale watching charters but my experiences are that these charters have a far greater negative impact creating stress to the whales than fishing boats. I suggest shutting them down. As fishermen, we leave an area with Killer whales as they are bad for fishing. These Whale charters run to the whales, daily. Unknowingly the whales sometimes swim close to them.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate

		CWW impacts on SRKWs and all marine life.
Fred Osborn	Please do not impose anymore stringent restrictions on commercial whale watching as the next step will be to limit private boats and fishing in those areas. My suggestions are to put more hatchery fish into the food stream for both the whales and humans. Also, reduce the population of seals and sea lions which devastate the salmon fishery. And finally, it would be good to see a study that shows that the population of the killer whales is similar to what they were back in the 1980's. Perhaps that number is what is sustainable by nature and that's what should be adhered to. Thank you.	Thank you for your comment. Fisheries management is outside the scope of the FEIS as outlined in RCW 77.65.620.
Kim Beck	Vessels of all sizes can have negative impacts on whales, but I believe that a limited number of professional operators operating under science-based precautions around the Southern Residents provides a net benefit. Not only do boats provide one of the best methods to connect people to whales to inspire advocacy, whale watch vessels contribute important sightings and other data to numerous scientific efforts, and, very importantly, they alert the Navy to the presence of orcas and other animals during active testing periods. Also critical, they regularly intercept private boaters before they drive RIGHT over whales. How many times did we see this this summer? Countless. I suggest a limit on the number of vessels and duration of viewing of Southern Residents, but professionally licensed whale watchers should continue to be allowed to view whales year-round in order to educate the public, inspire love for these whales, contribute to research, and play an ongoing sentinel role on the water. It should be REQUIRED of whale watch operators to inform their customers of the challenges the SRKW's face and the actions they can take to contribute towards their survival.	Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.
Cathleen Burns	restricting commercial whale watching is the absolute least thing that can be done to help the SRKW! It is an easy, feel good effort that is virtually meaningless. Breach the 4 lower snake river dams if people really want to help the whales, this is what science has determined over and over again for decades! Next, stop all commercial salmon fishing! This is stealing what few salmon there are from the SRKW! It is outrageous that a listed species can still be killed endlessly! Then, stop the recreational fishing of chinook! These are ESA listed species that make up 80% of SRKW diet. Then stop all the tanker traffic! That is the real noise source, not smaller boats. If people were serious about helping the SRKW population, we would breach the dams, put a moratorium on salmon harvest (excluding tribes of course!) and keep ALL boats out of the Salish Sea. No one wants to make the sacrifices necessary, so we just make the commercial whale watch industry bear the brunt while no one else makes any sacrifices! And they are the ones sheparding the SRKW, letting the ferries and researchers know where they are. They are doing more to protect the whales now than anything I know about. The rest is endless studies and talk, no action. Everyone should pitch in and make sacrifices to save the SRKW, NOW!!!	Thank you for your comments. The FEIS examines possible actions WDFW could take that are under its jurisdiction. This concept is further explained in the Context for FEIS Alternatives section of Chapter 2. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders in Washington. Fisheries management and other vessel traffic is not within the scope of the FEIS.

Lynne Kershner	I support Alternative 1. Although I've enjoyed watching whales from boats on many occasions, I believe they are endangered partly because of the stress from boat noise, and should be protected from it as much as possible.	Thank you for your comment.
Hayley Gamble	Alternative 1, most restrictive to vessels should be implemented until Orca populations rebound. Licenses should be capped to limit number of vessels in total, and number of vessels in the vicinity of a pod. License cost should be high enough to cover enforcement.	Thank you for your comment. Enforcement practices are outside the scope of the FEIS per RCW 77.65.620.
Pieter Graham Turley	I am an advocate for the Southern Resident Orcas. My concern is that the WDFW's thinks that the majority the the noise pollution that is having a negative impact on SRKW's is caused by commercial whale watching vessels. This finding is not accurate. Most of the noise pollution comes from container and cargo ships as well as naval vessels. If we want to reduce noise pollution, we need to create legislation and rules for larger commercial and naval vessels to limit their speed when entering Southern Resident Orca territories. Thank you, Pieter Turley	Thank you for your comment. The FEIS examines possible actions WDFW could take that are under its jurisdiction. This concept is further explained in the Context for FEIS Alternatives section of Chapter 2. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders in Washington.
Kathryn Cook	I favor alternative 2 at first, requiring CWW boats to report all sightings, any information on the whales to help research and the number of private vessels in the area. They could help monitor the number of private boats and report if private boats are disturbing the orcas. If they are willing to help with the orca recovery and reporting on recreational boaters, as the health of the population improves, the CWW would be allowed more viewing days and times. I like the adaptive management strategy. I do think it is important for all boats to turn off their sonar/echolocation when they are near any orcas and permanently close areas like the west side of San Juan Island so the orcas have some spots to themselves. It helps all involved to work together to keep the orca population healthy and give them space to roam free away from boats. I favor limiting all boats around the orcas, since they must travel farther now to find salmon. Thanks for putting more restrictions on the CWW and recreational boaters. We need to understand how much they impact the orcas and we need to limit them so the orcas have a chance to recover.	Thank you for your comment. The FEIS includes a section on Adaptive Management in Chapter 2 that addresses ways in which WDFW could manage uncertainties such as SRKW habitat use.
William Golding	Please insure that there is sufficient enforcement of the new regulations - - it is useless to pass well intentioned laws without the teeth of monetary sanctions and incarceration for offenders. This means insuring there is sufficient budget for enforcement.	Thank you for your comment. Enforcement practices are outside the scope of the FEIS per RCW 77.65.620.
Isak Lopez	I believe all efforts should be made to protect the Southern Resident Orca pods from any audio, visual or physical intrusion by vessels related to the whale watching industry and otherwise. The very small remaining population of these animals continues to decrease and the environmental stresses they're experiencing need to be alleviated as quickly & comprehensively as possible. Significant and direct measures need to be implemented to further protect these animals until a measurable and significant increase in their population has been sustained.	Thank you for your comment.

Amy Nesler	<p>Dear Julie Watson (WDFW Killer Whale Policy Lead) and Kelly Susewind (WDFW Director), I support licensing for commercial whale watching (CWW). Any commercial enterprise involving an endangered species like the Southern Resident Killer Whales (SRKW) should be regulated and adaptively managed to ensure the protection of the species. A simple proposed solution is that the number of vessels on scene with the whales at any given time should be regulated. That number should be a maximum of 4 vessels with any one group of Southern Resident killer whales in the Salish Sea from 9 AM to ½ hour before sunset. This would be a precautionary approach on behalf of the whales, is easily enforceable, and ensures a thriving whale-watch industry. If the Washington Department of Wildlife chooses to go with one or more of the preferred alternatives outlined in the DEIS, I would support the following rules:</p> <ul style="list-style-type: none">• Allow CWW to view SRKW between 8 and 11 months of the year. <p>Without any commercial whale watch vessels on scene with the whales in inland waters:</p> <ul style="list-style-type: none">o private boats will be less likely to know the whales are presento private vessel operators will not have a model of what safe boating distances and speeds look likeo the military will not be made aware when whales are entering active testing zoneso researchers will have more difficulty locating and tracking whales, and key observations that are regularly made and reported by whale watch captains and crew, including injured or malnourished whales, missing whales, and new calves, will go unnoticed for longer periods of time. <ul style="list-style-type: none">• Up to 4 CWW vessels maximum allowed to view SRKWs at a given time to reduce acoustic impact• CWWs would be limited to spending up to 45 minutes (per vessel) in the vicinity of SRKW• Maintain the go-slow zone of 7 knots within 1 nautical mile of SRKW wherever they travel• Closure of the west side of San Juan Island for commercial whale watch operation should be limited to when whales are present; the rule as written precludes, for instance, vessels going in for a photo-op at Lime Kiln lighthouse on a no-whale day. <p>With the final action, I support all four mitigation measures proposed by the Department of Fish and Wildlife. And we strongly suggest limiting licenses to existing vessels and companies in the Salish Sea. If a company or vessel is sold, the license goes back to the state. Any new vessels or companies would be required to obtain a license from that pool. I feel it is important to note that commercial whale watch vessels provide a platform to introduce members of the public to the Salish Sea, educated them about the endangered Southern Residents and other species, and inspire them to help with recovery actions. Professional whale watch companies benefit the whales and the Salish Sea by regularly returning portions of their revenue to habitat recovery efforts and regional research and advocacy causes, reporting stranded, entangled, injured, or ill animals, and contributing to science by sharing sightings data and identification photos, including new calves, with multiple organizations (research, governmental, NGOs). Commercial whale watch operators helped develop the Be Whale Wise guidelines, and their industry guidelines go above and beyond current state and federal regulations and take proactive steps to adjust their viewing guidelines as new science becomes available. In the spirit of this legislation, I feel there should also be limitations on the number of private recreational vessels surrounding the SRKWs. Thank you for considering my comments.</p> <p>Sincerely, Amy Nesler</p>	<p>Thank you for your comments. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching vessels. Additionally, the FEIS includes a section on Adaptive Management in Chapter 2 that addresses ways in which WDFW could manage uncertainties such as SRKW habitat use.</p>
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<p>Erin Gless- Island Adventures Whale Watching</p>	<p>As a marine biologist and whale watching naturalist, I am both dismayed and disappointed at the recommendations that have resulted from the SEPA EIS process for a commercial whale-watching license. While the Washington Academy of Sciences committee has cavalierly dismissed the sentinel role of whale watching, multiple respected scientists, such as Dr. David Bain, Ken Balcomb, and Monika Wieland-Shields, have spoken out about the benefits of professional whale watching vessels around whales as have notable NGO's like Whale Scout, Orca Network, Center for Whale Research, and Orca Behavior Institute in a white paper delivered to WDFW officials. Soundwatch and WDFW law enforcement officers have echoed these sentiments in public comments, stating that whale watching vessels help "control the chaos" and that whale-watching boats help ensure that other vessels in the area operate appropriately around whales. Soundwatch reports show that the number of private vessels around whales decreases when whale watching vessels are present, as do the number of whale-watching infractions. The EIS not only proposes incredibly restrictive regulations for viewing Southern Resident killer whales, but aims to implement crippling limitations on the viewing of all whales including Bigg's killer whales and humpback whales which are absolutely thriving in this region. The proposed rules in Alternative 1, 2, and 3 would both devastate professional whale watching operators financially, decreasing ridership by percentages above the threshold that an economic viability analysis deemed to be threatening to viability, but they also leave all whale species in the Salish Sea vulnerable to vessels operating too fast or too close to wildlife. Limiting the months, days, and hours that professional whale watching vessels may view *any* species of whale in the region seems draconian and vindictive on behalf of WDFW. There is a better way. I urge WDFW to collaborate directly with Pacific Whale Watch Association operators to develop a licensing system that is enforceable, viable economically, and will not result in undue harm to Southern Resident killer whales or any other species. Washington already has the most responsible whale watching community in the world. Rather than attempting to eliminate it, Washington should proudly embrace the proactive measures that operators here have taken to protect local wildlife and work together with, as opposed to against, the whale watching community.</p>	<p>Thank you for your comments. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3. The FEIS process does not require an economic cost-benefit analysis, and the discussion of impacts to recreational opportunities was not intended to serve as a cost-benefit analysis. Consideration of economic viability of the industry is part of the broader rulemaking process, and include the Economic Viability Analysis and the Small Business Economic Impact Statement.</p>
<p>William Appel</p>	<p>The proposed regulation does not cover private small boaters, to whose boat licenses the same regulation should be attached as a licensing condition of operating in the Salish Sea. Otherwise, there is a gaping hole in the purpose of the regulation. It is unclear to what extent Canadian vessels are subject. Finally, some dispensation should be made for boats that are electrically powered as their presence is not so deleterious to whales.</p>	<p>Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to CWW license holders in Washington. The FEIS addresses electric propulsion considerations in the Potential Rulemaking Components Considered section of Chapter 2.</p>

Cynthia Jones	<p>The economic analysis completed regarding rules for commercial whale watching has reinforced our knowledge that our tenuous Southern Resident Orca population is harmed by the noise and disturbance of boats and vessels. It further finds that commercial whale watching boats do not play a role in helping scientists and other boaters locate the Orcas. Furthermore, it found that most commercial whale watching boats are no longer reliant on the Southern Resident Orcas for the bulk of their whale watching business and instead rely on more abundant species. It is time for us to implement more stringent requirements regarding approaching Orcas. We know that our presence disrupts and harms them. We know that their population is tenuous and has been suffering decline. If we wish to maintain our iconic population of Southern Resident Orcas, we must work together and restrict access to the whales. If we do not do this, we risk the continued decline and eventual loss of the population. To maintain a population for the future, we must allow the Orcas the opportunity to rebuild unmolested by commercial whale watching. Thank you.</p>	Thank you for your comments.
Francie Rutherford	<p>I believe we need to transition to shoreline watching of whales. Thus I believe alternative 1 is the proper way to go to save this iconic species. If we keep disrupting their feeding we will lose them forever. Please put the stiffest regulations in place. I also believe we need more patrolling of their habitat by WDFW because pleasure boaters are often oblivious to the presence of whales in waters near them.</p>	Thank you for your comments. Enforcement is outside the scope of the FEIS.
Judy Tyson	<p>The southern resident orca population is a unique group which desperately needs our protection as there are only 74 of them left. We know that noise from vessels and disturbances interfere with their search for food and normal interactions with each other. This is one area which we can improve by restricting tour operators which have the alternative of going out to the open ocean to observe the orcas which live there instead. We should definitely pass the draft of regulations the state has issued which include: a ban on motorized whale watch tours within a quarter mile from shore on a portion of the west side of San Juan Island; a limit to no more than three motorized commercial whale watch tours that could watch any one group of southern resident orcas at one time; prohibiting motorized tours from watching southern residents with a calf under one year of age, or one showing signs of illness or injury. In addition, there should be seasonal restrictions on whale watching---tours should be required to stay one half mile away from the resident whales between Oct.1 and June 30th. From July1 through Sept. 30 tours should be restricted to two time periods a day from 11am to 1pm or from 3pm to 5pm and allowed to only use one of those time periods a day. I would like to see stricter regulations implemented such as no more than three tour boats ever be allowed to "view" the whales and they must stay 3/4 of a mile away from the whales. It's time for the Dept. of Fish and Wildlife to take a strong stand in protecting our resident population.</p>	Thank you for your comment.
Carol Bradley	<p>I definitely agree that commercial whale watching should follow the draft rules to reduce the impact on the Orcas. I think that ALL boats should be required to stay that distance away from the Orcas - not just the Commercial vessels.</p>	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders in Washington.

Selene Russo	I absolutely support the proposed rules to license the whale watching industry and restrict tours around the southern resident orca populations. The science has shown that one of the best ways to help our resident orcas is less boat traffic. And we need to ensure the strength and success of the whale population now, so we can in the future have better whale watching opportunities.	Thank you for your comment.
Shawn Flood Brown	I am 100% in favor of restricting whale watching. I have personally observed boaters who do not respect current rules many times in the South Sound, as well as in the San Juans. As a lifelong Washingtonian, I believe residents should have more of a say in protection, as opposed to whale watching tour providers. The tour operators may be local, but they serve mainly out of state tourists who do not have an investment in protection of our iconic local wildlife. What would the PNW be like without salmon and orcas? I also believe more protection would show respect to our Native American tribes in the PNW.	Thank you for your comment.
Amy Mann	It is a delicate balance of the worthwhile concerns for the health and safety of individual whales and the pods, the economic concerns of the companies providing whale watching tours and the need to educate the general public about why this matters. Nothing should be simple one this life. Thank you for all you are doing to achieve needed balance between our environment and people.	Thank you for your comment.
Mary Williams	Overall, it looks like a good start to protecting the whales while maintaining the whale watching industry which is a driver for tourism in the area. I do think the fine for violating 220-460-090 is low (\$500) but the cumulative punishments for an operation and the industry balances this out. I didn't seem to see any guidance for "getting out of the way" if a pod is coming toward you, but my guess is that it exists in other legislation. I hope that there are standards of equal strength for private boats as well (particularly large and motored). Thank you for this opportunity to provide input.	Thank you for your comment. Enforcement is not within the scope of the FEIS, as outlined by RCW 77.65.620
George Winters	I have paid for and taken a whale watching tour. Frankly, I was appalled and horrified by the incredible harassment of the whales. The boat operator used radio and radar to make sure every boat in the region knew exactly where the whales were. I would never do that again! Please eliminate commercial whale watching entirely.	Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Hughes	I am very much in favor of continuing to protect the whales! I love that there are more restrictions being considered re: whale watching industry. Please continue to do this good work and please put these regulations in place. I personally think the entertainment of (typically well off) humans is less important than the survival of another species. The economic hit of the whale watching industry can be worked through, but once the whales are gone, that's it! Also, the economic hit will come eventually (and be worse!) if the whales are completely gone. Thank you!	Thank you for your comment.

<p>Nancy Hannah</p>	<p>Why do we need to get up close to the Orca's? I think we should put a moratorium on whale watching for 3 years to give them time to breed, fish, and basically get in a healthy place. If I had to choose one of the alternatives in the EIS it would be the most restrictive . Please put the lives of these wonderful creatures ahead of human frivolity.</p>	<p>Thank you for your comment. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
<p>Donna Sandstrom-Whale Trail</p>	<p>I've got three high level comments. One is that in the executive summary, the purpose of the whale watching licensing program has been misstated. The law says that these rules must reduce noise and disturbance on the Southern Resident killer whales first and consider the financial impacts on license holders. Note that order. So we recommend that that be rewritten to reflect the actual intent, purpose, and language of the law. Second, there is no - - the Department -- the DEIS is deficient because it does not include a true precautionary option. Mixing zero boats with two boats is a very different -- is a very different proposition. The Department has chosen to present four alternatives that all allow whale watching. But the Department must evaluate its rules by the language in the law, which is how well do these rules reduce noise and disturbance on the orcas. There is one value represented in the status quo, which is no change in maximum disturbance on the orcas. There should also be a corollary of minimum disturbance on the orcas, and that would be a zero option for zero boats around the whales throughout the year. I don't know how the Department can make an evaluation without having that as a comparison. So we think that DEIS is very deficient in that, and a true precautionary alternative must be included in its evaluation. On page -- let's see. On page 18, the Department-- or the DEIS mentions the Southern Residents not coming back to the Salish Sea and basing that on prey availability fluctuations only. But we believe that the Southern Residents are not returning to the Salish Sea also because they can't find the prey that is there when they come home because of the excessive noise and disturbance that is placed on them by this discretionary activity. So we would like the DEIS to better reflect the science and not make assumptions about why Southern Residents are not coming back. And finally, the Department -- the DEIS talks about land-based viewing within San Juan County as if that is the only place it occurs. I want to remind the Department and the authors that land-based whale watching occurs all around this state. In fact, the Whale Trail now stretches throughout the orca's range from Monterey up to Ucluelet and throughout the Gulf Island and the Salish Sea. So when -- the Southern Residents are beloved and watched by people from shore around the Pacific Northwest, not just in San Juan County. And I'll save the rest of my - - oh, no. I've got one more comment. Any notion of a sentinel activity is not supported by the science -- was not reported by the science panel, and it is -- runs counter to what most of us observe, which is that the industry serves as a magnet for recreational boaters. And if the industry was really concerned about recreational boating, we wonder why they fought the moratorium so hard that would have protect the whales -- protected the whales from recreational boaters, too. Thank you for the opportunity to comment.</p>	<p>Thank you for your comment. The FEIS includes and updated purpose statement in its Executive Summary and Introduction, as well as additional information about the precautionary principle in the Context for FEIS Alternatives section of Chapter 2. The FEIS includes the clarification that land-based whale watching occurs throughout Washington in its Introduction.</p>

Kelley Balcomb-
Bartok- PWWA

And I am the Pacific Whale Watch Association's communications director. And I want to thank Julie and all of you for all of your time and efforts through this process over the past year, and we will be providing additional material and written comments and we'll have some new scientific data. So I will segway right into the sentinel role. In August 2020, a Washington State Academy of Sciences report prepared for WDFW stated, there is insufficient evidence for a positive sentinel effect on commercial whale watching, and this topic needs further study. We concur. Just as the science panel has stated, there is not time to conduct more peer-reviewed research prior to implementing new restriction. The PWWA maintains that while there are not yet peer-reviewed studies supporting the sentinel role that commercial whale watching vessels play on the water, the potential harm of removing whale watchers is so great that the anecdotal evidence from the land-based educators, WDFW enforcement officers, Sound Watch observers, and PWWA captains and crew should be sufficient until further study can be conducted. The 2019 Sound Watch report examined the number and behavior of private vessels around whales when professional whale watch vessels were present. They found that the number of private vessels and the number of boater infractions around whales both decrease in the presence of professional whale watching vessels. Observationally, the Sound Watch crew noted that transiting vessels tended to move away or slow down as they continued to proceed through the area when witnessing the whale warning flag versus stopping to view the whales. In other words, by being present, whale watching vessels keep the overall number of boats near whales lower and ensure that boats that are in the area are operating safer and quieter. In 2020 -- I'll go skip that one. These actions range from alerting the military of whales in exercise areas, notifying ferries and shipping vessels of whales in their path, and preventing private boats from traveling too close or too fast near whales. 203, 65 percent of these actions of 313 -- sorry, 314 sentinel actions as of yesterday -- Saturday when we actually post a video on our Facebook page and our Twitter handle, which was re-tweet by the DNR's commissioner of public lands, Hilary Franz -- go check it out on her Twitter page -- showing an actual sentinel action live on video All right. So now I segway. 203 of those, 65 percent of these actions resulted in a positive change in behavior by the reported vessel The draft WDFW rules also propose that it will be unlawful to enter the vicinity of a group of Southern Resident killer whales that has a calf under the age of one or an individual that is vulnerable. This is something that is near and dear to my heart. In so many cases, including most recently with the birth of the newest Southern Resident calf, J-58, it is -- whale watching vessels were the first to document births. They are also often the first to report injuries, entanglements, or illnesses, and routinely assist researchers and enforcement in locating animals of concern. Mothers with young calves, animals that are entangled, or whales that are injured are the most susceptible to vessel collision or harassment, as they often move slower and less visible than the most whales. These are the whales that need the sentinel protection of commercial whale watching vessels the most, and I would say professional whale watching vessel. Combining the findings of peer-reviewed literature of underwater acoustics and anecdotal evidence of commercial whale watching sentinel role, there is consensus that professional vessels operating slowly and responsibly around whales are not only quiet themselves, but help to quiet others. This is not a simple case wherein the subtraction of whale watching

Thank you for your comments. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.

	<p>vessels would lead to a subtraction of underwater sound. In fact, the opposite is true. Removing professional whale watchers from the area will increase the number of overall vessels around whales and the amount of underwater sound that the whales will be exposed to. We will be providing this in written comments, so if you didn't get all that, we will be providing this. Thank you.</p>	
<p>Janet Thomas-Orca Relief's Citizen Alliance</p>	<p>I live on San Juan Island. I've lived here for 30 years. And I'm also the director of Orca Relief's Citizens' Alliance. It's an organization that's been working for more than 20 years to save the Southern Residents from extinction. Extinction is an extremely important word. They are facing imminent extinction. This is one of the most intelligent marine mammals on the planet. They're sacred to the peoples of the Salish Sea. They have a complex communication system. They remain in their families. They're extraordinary marine mammals. The Southern Resident killer whales are critically endangered and facing imminent extinction. Over 50 research papers have shown that the presence of motorized boats negatively impacts the sonar abilities of the Southern Residents. It increases their stress and decreases their ability to navigate, communicate, and access available salmon. The situation is critical. These long revered residents of the Salish Sea need disturbance- and noise-free waters in order to access their diminishing food supply of Chinook salmon. Moves are underway to remove dams and obstructions throughout the rivers of the Northwest, which will help Chinook salmon return to strength in numbers. Eventually, this will help the Southern Residents' food supply, but it will take time, and they do not have time. They need every possible access to the salmon that is available. It is their only chance of survival. The Academy of Sciences released its final report in August 2020 for the Department of Fish and Wildlife. Key finding: There is insufficient scientific evidence to support a sentinel effect, in which the presence of commercial whale watch vessels, an active outreach by operators, serves to alert and slow other vessels. There is insufficient scientific evidence to support this. Many of the justifications about the effect of commercial whale watching in reducing overall vessel impacts are unsupported by current scientific evidence. The science report determine that given the fragile condition of the Southern Resident population, the committee considers the precautionary approach to management of known stressors to be justified. Over the past decade, while the Southern Resident orcas continue to decline, the number of whale watch vessels more than doubled, and revenue nearly tripled. The report states there is no economic justification for commercial operators to get close to the Southern Residents. In fact, not watching the Southern Residents is better for business because the public responds favorably to good environmentally aware decisions. The science committee recommends defining every interaction with a Southern Resident as an opportunity to disturb a whale. There is insufficient evidence for positive sentinel effect, as claimed by the industry. In 2019, the Washington state legislature passed a law requiring the Washington State Department of Fish and Wildlife to adopt regulations for viewing Southern Residents in Washington's inland waters. The law says the rules must be designed to reduce the daily and cumulative impacts on Southern Residents and consider the economic viability of license holders. The</p>	<p>Thank you for your comment. The FEIS includes additional information about the precautionary principle in the Context for FEIS Alternatives section of Chapter 2. The FEIS process does not require an economic cost-benefit analysis, and the discussion of impacts to recreational opportunities was not intended to serve as a cost-benefit analysis. Consideration of economic viability of the industry is part of the broader rulemaking process, and include the Economic Viability Analysis and the Small Business Economic Impact Statement.</p>

	<p>economic report prepared for fish and wildlife concluded that the motorized whale watch industry is not financially dependent upon Southern Resident viewing. The industry remains highly profitable despite reductions in Southern Resident viewing opportunities over the past ten years. Historically, the Southern Residents spent many hours at a time foraging, resting, and socializing in their core critical habitat along the west side of San Juan Island. Due to whale watching harassment, they can no longer do so. Canada put key -- I will finish up. I will be submitting, but I also wanted to say, as a 30-year resident at San Juan Island, I and many other residents can no longer go and watch from shore because it's too painful to watch the harassment of the Southern Residents by the industry. Thank you for this opportunity.</p>	
<p>Lovel Pratt- Friends of the San Juans</p>	<p>And I'm the marine protection and policy director at Friends of the San Juans, and I want to thank you for hosting this online hearing tonight. I just want to follow up with comments. First of all, I want to talk about the cautionary principle, which is really critical in this rule making. And I would urge that in the DEIS, in the section on uncertainty, that the findings of the science panel regarding the precautionary principles should be clearly stated in this section. I'd also like to talk about the sentinel effect that's been mentioned tonight. And while I agree -- while there may be examples of commercial operators providing sentinel effects to benefit the whales, the science report is the best available science. And legislature has made clear, the best available science must be used to establish the rules. The science panel report clearly states that, "There is insufficient evidence for a positive sentinel effect of commercial whale watching." And that more study is needed. I'd also like to comment on what was stated earlier by Rein Attemann. The DEIS should not be considering recreational opportunities provided by commercial whale watch operations. Consideration of recreational opportunities is not part of the legislative mandate. And further, there are many opportunities in terms of viewing transient whales and other marine mammals, humpback whales on commercial whale watch operations. And there are many recreation opportunities to view Southern Residents from shore. Bottom line, this rule making is very specifically defined by the legislature, and they're very clear that considering recreational opportunities is not part of their mandate. And that said, I do agree with the comments that have been made that there are regulations needed to regress the impact of recreational boats -- impacts to the Southern Residents by recreational boats. But again, this isn't part of the legislative mandate, so unfortunately, we can't address that at this time. Thank you very much for having this opportunity to comment.</p>	<p>Thank you for your comment. The FEIS includes additional information about the precautionary principle in the Context for FEIS Alternatives section of Chapter 2. Recreation is one of the sixteen environmental elements listed by SEPA to be considered in an EIS.</p>

<p>Rein Attemann- Washington Environmental Council</p>	<p>I'm from the Washington Environmental Council. And thank you very much for Shelby and Julie and the rest of the crew for this year-long -- almost a year-long process to bring together a system for commercial whale watching licensing program for Washington state and rules for viewing the Southern Resident killer whales. I very much echo comments made by Donna Sandstrom earlier this evening. We believe that alternative one, which is the most restrictive, quote, unquote, of the four options, is flawed. If DEIS has a status quo alternative, which is number four here, there should be an alternative that clearly states zero motorized commercial whale watching boats in (audio disruption) Southern Residents as well in order to be fully considered. It almost would be the most cautionary (audio disruption). Similarly, we believe that alternative three is not meaningfully different from alternative four, which is the status quo. Alternative three allows five to ten commercial whale watching vessels and status quo is unlimited. And Sound report has shown that the average amount of commercial whale watch vessels around a Southern Resident is five. Furthermore, DEIS should not be considering the recreational opportunities provided by commercial whale watch operations. This final rule lends recreational opportunities for recreators is now part of the legislative mandate. So we're urging the DEIS not to -- ask not to include analysis on that. The DEIS lacks basic information on Southern Resident orca population, like the population dynamics of females and males and their reproductive success. Great details needed about the Southern Residents' habitat use, like foraging areas. And besides stating that Southern Residents eat fish and have a strong presence for Chinook salmon -- excuse me. The scientists say Southern Residents eat fish. You need to identify what percentage of their diet is Chinook and what percentage of their diet is not Chinook. That has a key factor in determining their survivability. Also greater explanations needed explained how Southern Residents locate their prey. And the DEIS is seriously deficient in presenting the best available science around vessel noise disturbance on orcas. Factors affecting whales include the numbers of vessels, the speed, distance, and type of vessels around them. And finally, the overview of the whale watching in Washington section lacks sufficient information on a historical lens and how that has grown and the economics of how they're faring. In the earlier slide in the presentation that Shelby presented, I was stunned that there was no mention of the economic analysis that was done during this rule-making process. But there was reference to Washington Science Academy's science report and the legislative mandate. But nothing on economic analysis which states that not viewing Southern Residents by the whale watching will not have an economic viability issue for that industry. So that needs to be also incorporated into the final DEIS. And we'll provide written comments later in the week, but thank you for this opportunity to provide some oral comments.</p>	<p>Thank you for your comments. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p> <p>The FEIS includes additional information describing SRKW history, habitat, and population dynamics in the Introduction that was not in the DEIS. WDFW is considering the economic viability of the CWW industry during its rulemaking process. The FEIS process does not require an economic cost-benefit analysis, and the discussion of impacts to recreational opportunities was not intended to serve as a cost-benefit analysis. Consideration of economic viability of the industry is part of the broader rulemaking process, and includes the Economic Viability Analysis and the Small Business Economic Impact Statement.</p>
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<p>Whitney Neugebauer- Whale Scout</p>	<p>We are dedicated to the protection of Pacific Northwest whales through land-based conservation experiences. One of our primary programs is land-based whale watching. We are in support of sustainable, responsible whale watching. Empowering and inspiring the public to preserve and advocate for these whales will aid in their recovery. The commercial licensing process gives us an opportunity to ensure that whale watching in this state is being done in a controlled and well-managed way. However, it does not address the immense pressure being put on the whales by private boaters. Changes to commercial operations can have significant implications for private boater behavior, which could be detrimental, including high speed incidents or strikes. The sentinel role professional commercial operators play on the water needs to be better understood prior to making significant changes. Any rule should be carefully studied before and after and adjusted as necessary. Additional other intended consequences of putting additional pressure on other potentially sensitive groups of whales needs to be carefully understood and considered. Ultimately, the regulations need to be made in regards to the foraging success of the Southern Resident killer whales and the ability for the rules to be understood, implemented, and enforced. The DEIS presents a range of alternatives that we believe do not appropriately address the stated main purposes of the licensing program to ensure sustainable commercial whale watching practices that reduce the daily</p>	<p>Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>
<p>Cathleen Burns</p>	<p>I have been here two years observing the whales by land and on the water, specifically with Sound Watch. And my experience has been the whale watch industry are the sentinels for the whales, and the egregious behavior is by the recreational boaters that run over the whales at high speed. And even when approaching recreational boaters and telling them whales are ahead, they still have continued to pilot right over the whales. I know this is not about recreational boaters. That is where the greatest harm is being done that I have personally witnessed. So I would want the whale watch industry out there as the good stewards I have witnessed since I have been there in the last two years. That's it.</p>	<p>Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>
<p>Mark Vigna</p>	<p>It is unfathomable to me that we allow whale watching vessels to follow the Southern Resident Orcas. I live on the water just north of Kingston and have a direct view of all activities on the water and I monitor the whale watching boats closely. Regardless of what precautions they may claim to take, the reality is that they strive to give their customers a close-up experience with the whales. I have witnessed on MANY occasions the boats line up in the path of the whales. While following and when in pursuit as the whales gain speed, they accelerate, and the engines are at a tremendous decibel level—I can literally hear them roar at 4-5 MILES away. Given ALL that we are struggling with to help save the Southern Residents, how is it even possible that we can allow large watercraft to follow them relentlessly for 10 (plus) miles at a time? There are other ways for people to view whales and</p>	<p>Thank you for your comment.</p>

	<p>this current practice is one step shy of Sea World. 20 years from now, we will look back at this and think it to be barbaric or tragic, similar to how early explorers broke off stalactites in caves as souvenirs.</p>	
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Appendix C-2: DEIS Public Comments and Responses

(Excerpts from Letters)

The comments below are in scope excerpts from letters submitted during the DEIS 30-day public comment period (see Appendix C-3 for full letters). The letters and excerpted comments are listed in the order in which they were received.

Name & Affiliation (if provided)	Reference Number	Excerpt from Letter	Response
Sorrel North-Southern Resident Protection	1	<i>See full letter in Appendix C-3</i>	Thank you for your letter.
Shane Aggergaard-Island Adventures	2	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Shane Aggergaard-Island Adventures	2a	Island Adventures tours vary in length between 4 to 5 hours. During peak season, we offer two tours a day and require adequate time between tours to safely unload passengers, clean the vessel, and load passengers for the next tour. In addition to only being allowed to operate a few days each week, we would also be unable to offer two tours each day, therefore losing even more whale watching opportunities than the 29 to 57 percent proposed by the EIS.	The effects of timing restrictions on CWW activity depend on the ability of the industry to adapt (e.g., by shifting some level of activity to allowable times and days). The extent to which the industry can adapt depends both on the length and specific timing (i.e., which days, hours, seasons) of the restrictions, as well as the flexibility of the operations to adjust. With respect to restrictions on the days CWW is allowed, the DEIS presents the percent change in the days of the week which would allow CWW activity. For seasonal- and hours-based timing restrictions, the DEIS generally describes the restrictions qualitatively (i.e., they are not included in the reported percent change in CWW days of the week). The percent change in CWW days is not intended to represent the effect of the restrictions on percent change in overall CWW activity level. Depending on the specific timing restriction, some or all of the CWW activity may be shifted to allowable timeframes. The percent change in CWW days does not reflect this potential for adaptation. Of note, DFW has not included timing restrictions on overall CWW activity within its proposed rule; the timing restrictions currently proposed are limited to viewing of SRKW.

Shane Aggergaard-Island Adventures	2b	<p>The EIS states that this will reduce commercial whale watching opportunities by 14 percent. During peak season, we traditionally offer a morning and afternoon tour each day, with the afternoon tours ending later than 2 hours prior to sunset depending on the time of year. If viewing of all whales must end 2 hours before sunset, this would prohibit us from operating our afternoon tour. The EIS report states that these later tours represent “a small portion of current commercial whale watching activity”, but for Island Adventures, these afternoon/early evening tours comprise 50% of our peak season tour offerings, therefore we would be affected much more than the report’s predicted 14 percent.</p>	<p>The effects of timing restrictions on CWW activity depend on the ability of the industry to adapt (e.g., by shifting some level of activity to allowable times and days). The extent to which the industry can adapt depends both on the length and specific timing (i.e., which days, hours, seasons) of the restrictions, as well as the flexibility of the operations to adjust. With respect to restrictions on the days CWW is allowed, the DEIS presents the percent change in the days of the week which would allow CWW activity. For seasonal- and hours-based timing restrictions, the DEIS generally describes the restrictions qualitatively (i.e., they are not included in the reported percent change in CWW days of the week). The percent change in CWW days is not intended to represent the effect of the restrictions on percent change in overall CWW activity level. Depending on the specific timing restriction, some or all of the CWW activity may be shifted to allowable timeframes. The percent change in CWW days does not reflect this potential for adaptation. Of note, DFW has not included timing restrictions on overall CWW activity within its proposed rule; the timing restrictions currently proposed are limited to viewing of SRKW.</p>
Cindy Hansen-BOLD	3	<p><i>See full letter in Appendix C-3.</i></p>	<p>Thank you for your letter.</p>
Cindy Hansen – Orca Network	4	<p><i>See full letter in Appendix C-3.</i></p>	<p>Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.</p>
Cindy Hansen-Orca Network	4a	<p>We do not believe that the current alternatives provided in the DEIS encompass the educational benefits of whale watching, nor acknowledge the sentinel role that professional captains and naturalists provide to other vessels when on the water.</p>	<p>Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.</p>
Cindy Hansen-Orca Network	4b	<p>Much of the available science in the DEIS is based on older studies that do not incorporate current regulations and voluntary practices by PWWA.</p>	<p>Thank you for your comment. The FEIS analysis relies on the best available science as compiled by the Washington State Academy of Sciences and highlights PWWA best practices where applicable.</p>

Cindy Hansen-Orca Network	c	The outlined alternatives restrict CWW...the basis for any proposal removing CWW...is unclear and not supported by the science.	Thank you for your comment. The FEIS alternatives are designed to provide a comprehensive range of possible actions, including those listed in RCW 77.65.620, that will allow WDFW to develop rules that maximize ecological benefits to SRKWs and reduce negative economic impacts to the CWW industry.
Shari Tarantino-Orca Conservancy	5	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Shari Tarantino-Orca Conservancy	5a	<p>In addition to defining alternatives, an important function of the DEIS is to identify reasonably foreseeable consequences and consider cumulative effects. While the DEIS describes the alternatives, and takes a modular approach facilitating combining the best features of each alternative into a new alternative for the final EIS -- it does an inadequate job of addressing foreseeable consequences and considering cumulative effects....</p> <p>Rather than debating past data, they should have discussed what was reasonably foreseeable under proposed licensing requirements.</p> <p>Further, the discussion of what was reasonably foreseeable should have addressed cumulative effects. That is, while the licensing requirements will only apply to commercial whale watching (CWW) operators, SRKWs face other threats that it is reasonably foreseeable where CWW could help mitigate (including noise exposure from other vessels, toxic chemicals, and prey shortages).</p>	Thank you for your comment. The FEIS acknowledges uncertainty in the Analysis Limitations section of Chapter 3. The FEIS also includes additional information describing SRKW history, habitat, and population dynamics in the Introduction that was not in the DEIS.
Shari Tarantino-Orca Conservancy	5b	<p>An underlying point of contention is whether under the licensing requirements is how CWW vessels will play a protective role. Bain (2007) reported on vessel behavior observed from shore in the presence and absence of Soundwatch, and found close approaches to whales were more common when Soundwatch was absent than when it was present, and that Soundwatch alone lacked the capacity to prevent all violations. That being said, this confirms that vessels on the water can have a protective function. Regardless of what past data show about the protective role of CWW, it is reasonably foreseeable that CWW vessels emulating Soundwatch's approach to vessel management could serve a protective role, if required to do so as a licensing requirement.</p>	Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.

Shari Tarantino-Orca Conservancy	5c	It should be noted that the number of vessels includes recreational whale watching vessels, other recreational vessels, research vessels, fishing vessels, and may include commercial shipping, military and other vessels. Therefore, regulating CWW vessels alone will not achieve vessel number targets, and it is reasonably foreseeable that vessel licensing requirements could enlist CWW in co-managing the behavior of other vessels in achieving number targets. Thus, co-managing vessel number could be made a licensing requirement, reporting on vessel number should be required, and success in limiting vessel number should be a consideration in license renewal and adaptive management.	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching vessels.
Shari Tarantino-Orca Conservancy	5d	A foreseeable consequence of limiting CWW is that potential passengers will whale watch from recreational vessels instead. This would be expected to result in an increase in the number of vessels around whales by operators less skilled in determining speed and distance and who have less comprehensive knowledge of whale locations and likely movements, should a moratorium on CWW be implemented. The result would be a decrease in impact from CWW, but an increase in overall impact from whale watching.	Thank you for your comment. The FEIS describes potential unintended consequences in Chapter 3. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Shari Tarantino-Orca Conservancy	5e	Group membership changes frequently. Thus, when a vessel leaves a group, another vessel, whether commercial or recreational, is likely to take its place. If and/or when a whale changes groups, it may or may not have the same duration of viewing history as members of its new group.	Thank you for your comment. The FEIS includes this scenario in Chapter 2.
Shari Tarantino-Orca Conservancy	5f	In general, CWW should not need to use sonar when with whales. Best practice would be to not operate close enough to shallow water where loss of control could result in a grounding, and sonar use would not add to safety in that context. Exceptions would be larger vessels that are required to use sonar to comply with federal regulations. Further, use of sonar must be allowed near port where shallow water is to be expected, but whale presence is not, and running aground is a possibility.	Thank you for your comment. The FEIS sonar component in Chapter 2 is only applicable to CWW vessels when in the vicinity of SRKWs.
Shari Tarantino-Orca Conservancy	5g	Shore-based monitoring is another approach to assessing how recreational vessels behave in the presence and absence of CWW. Therefore, self-reporting on sentinel actions and their success or failure will be important both to	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching vessels.

		increasing the success rate and evaluating the cumulative effect of all vessels on the water.	
Shari Tarantino-Orca Conservancy	5h	It is reasonably foreseeable that navigational safety considerations will require kayakers to be within 300 yards of SRKWs at times, but it should be recognized that kayaks are unlikely to have an impact until they are within 100-200 yards.	Thank you for your comment. The FEIS recognizes that SRKWs are impacted by the presence of non-motorized vessels but the best available science does not indicate the exact range in which kayaks may or may impact SRKWS.
Tim Ragen	6	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Tim Ragen	6a	The DEIS description of SRKW demography, status, and trends is incomplete and inadequate.	Thank you for your comment. The FEIS includes additional information describing SRKW history, habitat, and population dynamics in the Introduction that was not in the DEIS.
Tim Ragen	6b	The DEIS does not consider a no-CWW alternative	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Nora Nickum-Seattle Aquarium	7	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Nora Nickum-Seattle Aquarium	7a	There should be an alternative that clearly states 0 motorized commercial whale-watching boats in the vicinity of southern resident orcas (at least 0.5 nautical miles) for the full year. That would be most precautionary and protective	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all of its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Nora Nickum-Seattle Aquarium	7b	We cannot support an alternative that would restrict all commercial whale-watching operations, for viewing any species of wildlife. Restricting all commercial whale-watching was not the charge or intent of this legislation, nor was it proposed by any of the Advisory Committee members. It muddies the “most restrictive” Alternative 1 by making it excessively restrictive with regard to other species while overly lenient with regard to viewing the critically endangered southern residents	Thank you for your comment. The FEIS alternatives are designed to provide a comprehensive range of possible actions, including those listed in RCW 77.65.620, that will allow WDFW to develop rules that maximize ecological benefits to SRKWs and reduce negative economic impacts to the CWW industry.

Nora Nickum-Seattle Aquarium	7c	Furthermore, it effectively eliminates from consideration the limitations on viewing southern residents by tying those limitations to untenable restrictions on all commercial whale-watching. As stated on page 24, "As it is currently constructed, Alternative 1 is unlikely to meet the WDFW mandate. Alternative 1 places restrictions on CWW operating days/time that may not be economically viable for CWW license holders." Alternative 1 should have been constructed in good faith in a way that could reasonably meet the WDFW mandate	Thank you for your comment. The final action chosen by WDFW may not be identical to any single alternative; the agency may choose a hybrid that combines more and less restrictive expressions of the alternatives to best meet its legislative mandate (RCW 77.65.620).
Nora Nickum-Seattle Aquarium	7d	Requested change: Modification of Alternative 1 or inclusion of a new alternative with 1) no motorized commercial whale-watching boats in the vicinity of southern resident orcas for the full year, and 2) no restrictions on whale-watching of other species.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all of its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Nora Nickum-Seattle Aquarium	7e	Suggested edit to page 22: "This alternative would likely result in the most substantial reductions in daily and cumulative noise and disturbance impacts to SRKWs from CWW vessels, particularly from the components that limit vessels around SRKWs and the times for CWW operations and SRKW viewing, assuming that the limitations apply to the peak whale-watching season (i.e., May through September) or year-round."	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round. ()
Nora Nickum-Seattle Aquarium	7f	Alternative 2 could cover 4 months, 7 months, or year-round; without being more specific in terms of duration and the seasons that would be included, it is impossible to evaluate the benefits of this alternative for the orcas. Restricting whale-watching for the seven months from October to April, for example, but allowing it for all summer months, would do very little to reduce impacts on the whales.	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round. ()
Nora Nickum-Seattle Aquarium	7g	It is also impossible to evaluate the benefits of an alternative that requires kayak tours to adhere to "some, or all" of the KERP best practices without noting what those are. Requested change: Inclusion of the following specific requirements, which are in the pre-draft rules released by WDFW, in Alternatives 1 and 2: It is unlawful to launch if southern resident killer whales are within one-half nautical mile of the launch location. Vessels are prohibited from paddling, positioning, or waiting in the path of a southern	Thank you for your comment. The FEIS includes example KERP best practices in the Alternative 1 column of Table 1.

		<p>resident killer whale. If a southern resident killer whale is moving towards the vessels, the vessels must immediately move out of the path of the whale. If vessels inadvertently encounter a southern resident killer whale, they must immediately move all vessels to as close to shore as possible and secure themselves, or raft up close to shore or in a kelp bed and stop paddling until any and all killer whales have moved to at least 400 yards away from the vessels.</p>	
Nora Nickum-Seattle Aquarium	7h	<p>AIS should be included as a component of the rules in at least one of the alternatives, not left to the separate “mitigation measure” category. It is unclear why AIS is listed as a “mitigation measure” rather than as one of the rules. AIS requirements were proposed by multiple Advisory Committee members throughout the process, from the beginning, and in SEPA scoping comments. The legislation specifically allows WDFW to consider requiring AIS as part of the rules (RCW 77.66.620) and therefore it falls squarely within the scope of what can be mandated in the rule-making process. It is also contemplated in the pre-draft rules issued by WDFW. Requested change: Inclusion of the AIS requirement as a component of the rules in Alternatives 1 and 2.</p>	<p>Thank you for your comment. The FEIS includes a new AIS component that is analyzed for all four alternatives in Chapter 3. AIS was previously addressed in the DEIS as a mitigation measure.</p>
Nora Nickum-Seattle Aquarium	7i	<p>Reporting to the WRAS was listed as a potential mitigation measure, but it should be part of the reporting requirements in multiple alternatives. This is something that has been actively discussed by the Advisory Committee, included in an Advisory Committee proposal, and considered by WDFW in the draft rulemaking. It should also be clear that this reporting should be done in real time.</p>	<p>Thank you for your comment. The FEIS reporting component includes the WhaleReport Alert System, or any successor transboundary notification system that is adopted by the international shipping community in the Salish Sea.</p>
Nora Nickum-Seattle Aquarium	7j	<p>The methodology used for calculating the percent reduction in viewing days is flawed. The results of this calculation (e.g., on page 23) are meaningless, since the methodology does not consider which months would carry restrictions, nor does it consider overlaps with either the typical southern resident presence in the inland waters or the peak whale-watching season. If the restricted months were the winter months, when the southern residents are less likely to be in the inland waters and the commercial whale-watching operators are unlikely to be offering tours, the actual number of viewing days would be unlikely to decrease at all, in practice. The alternatives must be more specific of the relative impacts of restrictions in different seasons, given</p>	<p>Thank you for your comment. The EIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.</p>

		seasonal trends in southern resident orca presence and commercial whale-watching activity.	
Nora Nickum-Seattle Aquarium	7k	On page 23:“Under Alternative 1, SRKW viewing days are reduced by at least 71% per week and hours of the day are reduced by at least 55% compared to when most CWW currently occurs, assuming restrictions are in place during the peak whale-watching season or year-round.”	Thank you for your comment. The EIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.
Nora Nickum-Seattle Aquarium	7l	On page 25:“Under Alternative 2, the number of operational days is reduced by 28% to 57% and the hours per day is reduced by 11% to 55% (assuming a nine-hour viewing time and that restrictions are in place during the peak whale-watching season). And similar edits in other places that discuss reduction in SRKW viewing days.	Thank you for your comment. The EIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.
Nora Nickum-Seattle Aquarium	7m	The DEIS should not be considering the recreation opportunities provided by commercial whale-watching operations. Justifying rules through a lens of recreation opportunities was not part of the legislative mandate. Furthermore, there are many recreational opportunities to view the orcas from shore. There are also plentiful recreational opportunities to view the transient orcas and other marine mammals on commercial whale-watching tours.	Thank you for your comment. SEPA dictates that the EIS analyze possible environmental impacts on any of sixteen environmental elements if they are deemed significant. This includes recreational opportunities and use.
Nora Nickum-Seattle Aquarium	7n	The section on uncertainty on page 21 should note what the WSAS science panel concluded about treating every interaction as an opportunity for disturbance. While this concept was noted in a different section on page 22, it left out any reference to the precautionary principle. In the uncertainty section on page 21, include the specific language from the WSAS document: “...the committee recommends defining every interaction as an opportunity to disturb a whale and taking a precautionary management approach.” (Q&A prepared for the WDFW Advisory Committee by the Washington State Academy of Sciences)	Thank you for your comment. The EIS includes additional information about the precautionary principle in the Context for EIS Alternatives section of Chapter 2.

Nora Nickum ¹ , Rein Attemann ² , Donna Sandstrom ³ , Lovel Pratt ⁴ , Chris Connolly ⁵ , Sophia Ressler ⁶ , Kathleen Gobush ⁷ , Darlene Schanfald	8	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8a	There should be an alternative that clearly states 0 motorized commercial whale-watching boats in the vicinity of southern resident orcas (at least 0.5 nautical miles) for the full year. That would be most precautionary and protective	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all of its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8b	We cannot support an alternative that would restrict all commercial whale-watching operations, for viewing any species of wildlife. Restricting all commercial whale-watching was not the charge or intent of this legislation, nor was it proposed by any of the Advisory Committee members. It muddies the “most restrictive” Alternative 1 by making it excessively restrictive with regard to other species while overly lenient with regard to viewing the critically endangered southern residents	Thank you for your comment. The EIS alternatives are designed to provide a comprehensive range of possible actions, including those listed in RCW 77.65.620, that will allow WDFW to develop rules that maximize ecological benefits to SRKWs and reduce negative economic impacts to the CWW industry.

¹ Seattle Aquarium

² WEC

³ The Whale Trail

⁴ Defenders of Wildlife

⁵ Center for Biological Diversity

⁶ The Endangered Species Coalition

⁷ Olympic Environmental Council

<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8c</p>	<p>Furthermore, it effectively eliminates from consideration the limitations on viewing southern residents by tying those limitations to untenable restrictions on all commercial whale-watching. As stated on page 24, “As it is currently constructed, Alternative 1 is unlikely to meet the WDFW mandate. Alternative 1 places restrictions on CWW operating days/time that may not be economically viable for CWW license holders.” Alternative 1 should have been constructed in good faith in a way that could reasonably meet the WDFW mandate</p>	<p>Thank you for your comment. The final action chosen by WDFW may not be identical to any single alternative; the agency may choose a hybrid that combines more and less restrictive expressions of the alternatives to best meet its legislative mandate (RCW 77.65.620).</p>
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8d</p>	<p>Requested change: Modification of Alternative 1 or inclusion of a new alternative with 1) no motorized commercial whale-watching boats in the vicinity of southern resident orcas for the full year, and 2) no restrictions on whale-watching of other species.</p>	<p>Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.</p>
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8e</p>	<p>Suggested edit to page 22: “This alternative would likely result in the most substantial reductions in daily and cumulative noise and disturbance impacts to SRKWs from CWW vessels, particularly from the components that limit vessels around SRKWs and the times for CWW operations and SRKW viewing, assuming that the limitations apply to the peak whale-watching season (i.e., May through September) or year-round.”</p>	<p>Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.</p>
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8f</p>	<p>Alternative 2 could cover 4 months, 7 months, or year-round; without being more specific in terms of duration and the seasons that would be included, it is impossible to evaluate the benefits of this alternative for the orcas. Restricting whale-watching for the seven months from October to April, for example, but allowing it for all of the summer months, would do very little to reduce impacts on the whales.</p>	<p>Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.</p>
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel</p>	<p>8g</p>	<p>It is also impossible to evaluate the benefits of an alternative that requires kayak tours to adhere to “some, or all” of the KERP best practices without noting what those are. Requested change: Inclusion of the following specific</p>	<p>Thank you for your comment.. The FEIS includes example KERP best practices in the Alternative 1 column of Table 1.</p>

<p>Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>		<p>requirements, which are in the pre-draft rules released by WDFW, in Alternatives 1 and 2: -It is unlawful to launch if southern resident killer whales are within one-half nautical mile of the launch location. -Vessels are prohibited from paddling, positioning, or waiting in the path of a southern resident killer whale. If a southern resident killer whale is moving towards the vessels, the vessels must immediately move out of the path of the whale. -If vessels inadvertently encounter a southern resident killer whale, they must immediately move all vessels to as close to shore as possible and secure themselves, or raft up close to shore or in a kelp bed and stop paddling until any and all killer whales have moved to at least 400 yards away from the vessels.</p>	
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8h</p>	<p>It is unclear why AIS is listed as a “mitigation measure” rather than as one of the rules. AIS requirements were proposed by multiple Advisory Committee members throughout the process, from the beginning, and in SEPA scoping comments. The legislation specifically allows WDFW to consider requiring AIS as part of the rules (RCW 77.66.620) and therefore it falls squarely within the scope of what can be mandated in the rule-making process. It is also contemplated in the pre-draft rules issued by WDFW. Requested change: Inclusion of the AIS requirement as a component of the rules in Alternatives 1 and 2.</p>	<p>Thank you for your comment. The FEIS includes a new AIS component which is analyzed for all four alternatives in Chapter 3.</p>
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8i</p>	<p>Reporting to the WRAS was listed as a potential mitigation measure, but it should be part of the reporting requirements in multiple alternatives. This is something that has been actively discussed by the Advisory Committee, included in an Advisory Committee proposal, and considered by WDFW in the draft rulemaking. It should also be clear that this reporting should be done in real time.</p>	<p>Thank you for your comment. The FEIS reporting component includes the WhaleReport Alert System, or any successor transboundary notification system that is adopted by the international shipping community in the Salish Sea.</p>
<p>Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald</p>	<p>8j</p>	<p>The methodology used for calculating the percent reduction in viewing days is flawed. The results of this calculation (e.g., on page 23) are meaningless, since the methodology does not consider which months would carry restrictions, nor does it consider overlaps with either the typical southern resident presence in the inland waters or the peak whale-watching season. If the restricted months were the winter months, when the southern residents are less likely to be in the inland waters and the commercial whale-watching</p>	<p>Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.</p>

		operators are unlikely to be offering tours, the actual number of viewing days would be unlikely to decrease at all, in practice. The alternatives must be more specific of the relative impacts of restrictions in different seasons, given seasonal trends in southern resident orca presence and commercial whale-watching activity.	
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8k	On page 23:“Under Alternative 1, SRKW viewing days are reduced by at least 71% per week and hours of the day are reduced by at least 55% compared to when most CWW currently occurs, assuming restrictions are in place during the peak whale-watching season or year-round.”	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8l	On page 25:“Under Alternative 2, the number of operational days is reduced by 28% to 57% and the hours per day is reduced by 11% to 55% (assuming a nine-hour viewing time and that restrictions are in place during the peak whale-watching season). And similar edits in other places that discuss reduction in SRKW viewing days.	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8m	The section on uncertainty on page 21 should note what the WSAS science panel concluded about treating every interaction as an opportunity for disturbance. While this concept was noted in a different section on page 22, it left out any reference to the precautionary principle. In the uncertainty section on page 21, include the specific language from the WSAS document: “...the committee recommends defining every interaction as an opportunity to disturb a whale and taking a precautionary management approach.” (Q&A prepared for the WDFW Advisory Committee by the Washington State Academy of Sciences)	Thank you for your comment. The FEIS describes potential unintended consequences in Chapter 3.
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia	8n	The DEIS should not be considering the recreation opportunities provided by commercial whale-watching operations. Justifying rules through a lens of recreation opportunities was not part of the legislative mandate. Furthermore, there are many recreational opportunities to view the orcas from shore. There are also plentiful	Thank you for your comment. SEPA dictates that the FEIS analyze possible environmental impacts on any of sixteen environmental elements if they are deemed significant. This includes recreational opportunities and use.

Ressler, Kathleen Gobush, Darlene Schanfald		recreational opportunities to view the transient orcas and other marine mammals on commercial whale-watching tours.	
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8o	In the section called "Life History, Habitat, and Conservation Status of SRKWs," the DEIS fails to address the current dynamics of this fragile population, which is extremely important when evaluating the environmental impacts of the various alternatives being considered.	Thank you for your comment. The FEIS includes additional information describing SRKW history, habitat, and population dynamics in the Introduction that was not in the DEIS.
Nora Nickum, Rein Attemann, Donna Sandstrom, Lovel Pratt, Chris Connolly, Sophia Ressler, Kathleen Gobush, Darlene Schanfald	8p	Requested edits: Add the population numbers from 2001 to 2020. Use information from pages 6-8 of WSAS's Summary of Key Research Findings about Underwater Noise and Vessel Disturbance report from August 2020 to add basic biological information to the DEIS. Incorporate more of the scientific references and information on vessel effects from WSAS's Summary of Key Research Findings about Underwater Noise and Vessel Disturbance report from August 2020 (pages 10-14)	Thank you for your comment. The FEIS includes additional information describing SRKW history, habitat, and population dynamics in the Introduction that was not in the DEIS.
Jeff Friedman- PWWA	9	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Jeff Friedman- PWWA	9a	After participating in the commercial whale watching licensing process in good faith, we were shocked to see that the recently-released EIS not only proposed limitations on the number of hours, days, and months that license holders can view Southern Resident killer whales, but also proposes limitations on the number of hours, days, and months that license holders can operate. These restrictions on the viewing of the region's thriving populations of other whales, such as Bigg's killer whales and humpback whales, would be crippling to the many small business owners that comprise the Pacific Whale Watch Association.	Thank you for your comment. The FEIS alternatives are designed to provide a comprehensive range of possible actions, including those listed in RCW 77.65.620, that will allow WDFW to develop rules that maximize ecological benefits to SRKWs and reduce negative economic impacts to the CWW industry.

Jeff Friedman-PWWA	9b	<p>Alternative 3 would restrict the commercial viewing of all whales to 6 days per week, from 1-2 hours after sunrise to 1-2 hours before sunset, during a 1 to 3-month window with additional restrictions on viewing Southern Resident killer whales for a 1 to 3-month window. The EIS states that this will reduce commercial whale watching opportunities by 14 percent. We feel that this number is an underestimation, as during the peak season, several companies offer afternoon tours that would terminate later than 2 hours prior to sunset. If viewing of all whales must end 2 hours before sunset, this would prohibit many companies from operating their later tours. The report states that these later tours represent “a small portion of current commercial whale watching activity”, but we dispute this statement, and in some instances, these afternoon/early evening tours comprise up to 50% of an operator’s peak season tour offerings.</p>	<p>The effects of timing restrictions on CWW activity depend on the ability of the industry to adapt (e.g., by shifting some level of activity to allowable times and days). The extent to which the industry can adapt depends both on the length and specific timing (i.e., which days, hours, seasons) of the restrictions, as well as the flexibility of the operations to adjust. With respect to restrictions on the days CWW is allowed, the DEIS presents the percent change in the days of the week which would allow CWW activity. For seasonal- and hours-based timing restrictions, the DEIS generally describes the restrictions qualitatively (i.e., they are not included in the reported percent change in CWW days of the week). The percent change in CWW days is not intended to represent the effect of the restrictions on percent change in overall CWW activity level. Depending on the specific timing restriction, some or all of the CWW activity may be shifted to allowable timeframes. The percent change in CWW days does not reflect this potential for adaptation. Of note, DFW has not included timing restrictions on overall CWW activity within its proposed rule; the timing restrictions currently proposed are limited to viewing of SRKW.</p>
Sophia Ressler-The Center for Biological Diversity	10	<p><i>See full letter in Appendix C-3.</i></p>	<p>Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.</p>
Sophia Ressler-The Center for Biological Diversity	10a	<p>The entire DEIS is based on a flawed and unproven assumption that there will be negative economic affects to the CWW industry. Throughout the DEIS it is assumed that the less opportunity CWW vessels have to view the SRKWs the less revenue they will make. However, this is not supported by the economic analysis. In fact, the economic analysis done on this program shows that when commercial whale watching vessels in Canada agreed to stop watching the SRKWs their revenue increased. The analysis further shows that after stricter federal regulations were implemented in 2011 the industry’s revenue continued to increase. Basing the DEIS on the false assumption of economic loss misconstrues the economic analysis. The DEIS must be changed to reflect that there is no certainty that stopping watching the SRKWs would have any impact on CWW revenue and may, in fact, increase whale watching revenue.</p>	<p>The FEIS process does not require an economic cost-benefit analysis, and the discussion of impacts to recreational opportunities was not intended to serve as a cost-benefit analysis. Consideration of economic viability of the industry is part of the broader rulemaking process, and include the Economic Viability Analysis and the Small Business Economic Impact Statement. The Economic Viability Analysis concluded that rule elements that only limit viewing of SRKW were unlikely to threaten the economic viability of the industry. This finding does not mean that restrictions on SRKW viewing would not have any economic costs, however. Consistent with the findings of the Economic Viability Analysis, the DEIS concludes that rule elements that limit only SRKW viewing are unlikely to result in significant reductions in CWW opportunities. Also consistent with the Economic Viability Analysis, the DEIS concludes that rule elements that put limits on CWW more broadly could result in reductions in CWW opportunities.</p>

Sophia Ressler- The Center for Biological Diversity	10b	The DEIS consistently refers to the “sentinel role” that CWW vessels may play by protecting the SRKWs from recreational boaters while failing to consider the potential that CWW vessels might actually be the ones attracting recreational boaters. The Washington State Academy of Science (“WSAS”) panel concluded that there are no studies supporting the sentinel role that the CWW industry anecdotally totes in all of their messaging. However, the DEIS considers this role in several places in the document. The DEIS fails to consider the alternative, that the presence of CWW vessels may actually attract more recreational boaters by alerting them to the presence of whales. Because there is no science to support the sentinel role it should not be a consideration in the DEIS, but if it remains in the final EIS, the converse must also be considered.	Thank you for your comment. The WSAS Report states there is "little published empirical evidence [that exists] for potential sentinel or magnet effects of whale watching vessels." The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.
Sophia Ressler- The Center for Biological Diversity	10c	On page 19 of the DEIS a year-round moratorium on CWW vessels viewing SRKWs is summarily dismissed as “not feasible” without any explanation as to why this is the case. The DEIS must further expound on the feasibility of such an option and how that determination was reached.	Thank you for your comment. The FEIS includes additional clarification about the feasibility of a CWW moratorium in Chapter 2. Although WDFW is not considering abolishing CWW or placing a moratorium on the industry, Alternative 1 includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Sophia Ressler- The Center for Biological Diversity	10d	The DEIS misrepresents the purpose of this rulemaking process. The legislation mandating this program requires the rules to “effectively reduce the daily and cumulative impacts on southern resident orcas and consider the economic viability of license holders.” On page vi of the executive summary of the DEIS this purpose is misconstrued, stating “[t]he purpose of establishing regulations for licensing commercial whale watching vessels is to ensure sustainable commercial whale watching policies that reduce the daily and cumulative impacts of vessel noise and disturbance on the endangered Southern Resident killer whales.” This wording appears to put more emphasis on whale watching rather than protection of the SRKWs and does not properly reflect the legislative directive. This must be changed to reflect the wording of the legislation and establish the proper considerations the program is meant to address.	Thank you for your comment. The FEIS states the purpose of the CWWLP is "to reduce the daily and cumulative impacts of vessel noise and disturbance on the endangered Southern Resident Killer Whales (SRKWs or Southern Residents) and consider the economic viability of commercial whale watching license holders," which reflects WDFW's legislative mandate in RCW 77.65.620.
Sophia Ressler- The Center for Biological Diversity	10e	The alternatives considered in the DEIS are not specific or tangible enough to support proper decision making or informed public comment. The alternatives contained in the DEIS include overly broad ranges for both number of vessels	Thank you for your comment. The FEIS alternatives are designed to provide a comprehensive range of possible actions, including those listed in RCW 77.65.620, that will allow WDFW

		and months where CWW viewing of the SRKWs are allowed. The DEIS fails to specify which months would carry the restrictions and whether the restrictions would overlap with peak whale watching months. The DEIS also fails to specify when requirements for kayaks and other non-motorized CWW vessels would apply. The alternatives need to be redrafted to specifically consider number of boats around the whales and the exact months that would be covered by the rules for both motorized and non-motorized CWW vessels.	to develop rules that maximize ecological benefits to SRKWs and reduce negative economic impacts to the CWW industry.
Sophia Ressler- The Center for Biological Diversity	10f	The DEIS includes an inadequate “most restrictive” alternative. Alternative 1 currently includes a range of 0-2 boats. The DEIS should include an alternative that clearly states zero CWW motorized whale watching boats watching of the SRKWs to properly consider the precautionary principle as recommended by the WSAS panel.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Sophia Ressler- The Center for Biological Diversity	10g	Alternative 3 also only reduces viewing time by one day per week and again fails to specify which 1-3 months the restrictions would be in place. If the restrictions in these alternatives only occurred during winter months when whale watching operators are not typically conducting tours alternative 3 would have no impact on the SRKWs. The DEIS should be changed to specify which months restrictions would apply and number of vessels, viewing time and hours should be changed to meaningfully distinguish alternative 3 from the status quo.	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.
Sophia Ressler- The Center for Biological Diversity	10h	The methodology used in the DEIS for calculating the percent reduction in viewing days is fundamentally flawed. Because the DEIS fails to specify which months would have restrictions, does not consider typical SRKW presence in inland waters or seasonality of whale watching tours the calculations have no way of accurately reflecting the percent decrease in viewing days. The DEIS must be edited to provide this specificity and these numbers must be recalculated to properly reflect these changes.	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.
Sophia Ressler- The Center for Biological Diversity	10i	The DEIS fails to consider automatic identification systems (“AIS”) as a component of the rules in any of the alternatives. Instead, the DEIS considers AIS as a completely separate category of “mitigation measures.” Both the legislature, the CWW licensing advisory committee convened by the Department and SEPA scoping comments	Thank you for your comment. The FEIS includes a new AIS component that is analyzed for all four alternatives in Chapter 3.

		considered the potential of AIS as part of the rules. The alternatives must be changed to reflect this and AIS should be required as a component of alternatives 1 and 2.	
Sophia Ressler- The Center for Biological Diversity	10j	Similarly, reporting requirements to the Whale Report Alert System (“WRAS”) should be included in each of the alternatives. These reporting requirements are currently in the DEIS as potential mitigation measures, but are not included as a component of any of the alternatives. These reporting requirements were discussed by the advisory committee and considered in the Department’s draft rule and the DEIS should reflect this by including a requirement to report to the WRAS system and share that information with the Department in each of the alternatives.	Thank you for your comment. The FEIS reporting requirement includes the WhaleReport Alert System, or any successor transboundary notification system that is adopted by the international shipping community in the Salish Sea.
Sophia Ressler- The Center for Biological Diversity	10k	The DEIS must clearly reflect the recommendation of the WSAS panel to use the precautionary principle as a guide. The WSAS panel justified this decision in their findings with the understanding that every interaction with the SRKWs should be treated as a potential disturbance. Nowhere does the DEIS reflect this recommendation and edits must be made to the uncertainty section (pg. 21) of the DEIS to reflect the recommendation to use the precautionary approach.	Thank you for your comment. The FEIS includes additional information about the precautionary principle in the Context for EIS Alternatives section of Chapter 2.
Sara Hysong- Shimazu	11	<i>See full letter in Appendix C-3.</i>	Thank you for your letter.
Stephanie Taylor- Northwest Animal Rights Network	12	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Stephanie Taylor- Northwest Animal Rights Network	12a	The Executive Summary of the draft states the purpose of establishing regulations for licensing commercial whale watching vessels is to “ensure sustainable commercial whale watching practices that reduce the daily and cumulative impacts of vessel noise and disturbance on the endangered Southern Resident Killer Whales (SRKWs or Southern Residents).” This is an impossible claim and needs an urgent correction. a) The purpose of establishing regulations for licensing commercial whale watching vessels is “to ensure that commercial whale watching practices do not contribute to the already vast disturbances on the	Thank you for your comment. The FEIS states the purpose of the CWWLP is "to reduce the daily and cumulative impacts of vessel noise and disturbance on the endangered Southern Resident Killer Whales (SRKWs or Southern Residents) and consider the economic viability of commercial whale watching license holders," which reflects WDFW's legislative mandate in RCW 77.65.620.

		endangered SRKWs.” Please correct the Executive summary to list the protection of whales as priority.	
Stephanie Taylor-Northwest Animal Rights Network	12b	The four Alternatives presented do not include an Alternative that calls for limiting all commercial whaling watching and other disturbances to protect the endangered Southern Resident Killer Whale population. The most limiting Alternative provided- Alternative 1- still includes the allowance and permittance of practices that actively harm the endangered SRKW population recovery. This draft should include an Alternative 0 which limits all commercial whaling watching of the endangered SRKW pods. Land based viewing of SRKWs is the best alternative until the endangered population is at a stable recovery level.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Rein Attemann-Washington Environmental Council (on behalf of approximately 700 members of the public)	13	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Rein Attemann-Washington Environmental Council (on behalf of approximately 700 members of the public)	13a	There should be an alternative that clearly states 0 motorized commercial whale-watching boats in the vicinity of southern resident orcas (at least 0.5 nautical miles) for the full year.	Thank you for your comment. Alternative 1 captures the most restrictive actions WDFW could choose because it includes zero in all of its component ranges which would eliminate CWW impacts on SRKWs and all marine life.
Rein Attemann-Washington Environmental Council (on behalf of approximately 700 members of the public)	13b	The methodology used for calculating the percent reduction in viewing days is flawed. The results of this calculation are meaningless, since the methodology does not consider which months would carry restrictions, nor does it consider overlaps with either the typical southern resident presence in the inland waters or the peak whale-watching season. If the restricted months were the winter months, when the southern residents are less likely to be in the inland waters and the commercial whale-watching operators are unlikely to be offering tours, the actual number of viewing days	Thank you for your comment. The FEIS includes language to clarify the assumptions used in our analysis, including that limitations would apply to the peak whale-watching season or year-round.

		would be unlikely to decrease at all, in practice. The alternatives must be more specific of the relative impacts of restrictions in different seasons, given seasonal trends in southern resident orca presence and commercial whale-watching activity.	
Rein Attemann-Washington Environmental Council (on behalf of approximately 700 members of the public)	13c	The DEIS lacks basic biological information about the southern resident orca population and full discussion of the best available science around vessel noise and disturbance on orcas. Factors affecting whales include the number of vessels, speed, distance and type of vessels.	Thank you for your comment. The FEIS includes additional information describing SRKW history, habitat, and population dynamics in the Introduction that was not in the DEIS.
Rein Attemann-Washington Environmental Council (on behalf of approximately 700 members of the public)	13d	Reporting requirements should include reporting to the Whale Report Alert System (WRAS) component in each alternative and AIS should be included in Alternatives 1 and 2 and 3, not left to the "mitigation measure" category.	Thank you for your comment. The FEIS reporting component includes the WhaleReport Alert System, or any successor transboundary notification system that is adopted by the international shipping community in the Salish Sea.
Whitney Neugebauer-Whale Scout	14	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Whitney Neugebauer-Whale Scout	14a	The commercial licensing process gives an opportunity to ensure whale watching in the state is being done in a controlled and is well managed, however it does not address the immense pressure being put on the whales by private boaters. Changes to commercial operations can have significant implications for private boater behavior which could be detrimental, including high speed incidents and strikes. The sentinel role the professional, commercial operators play on the water needs to be better understood prior to making significant changes.	Thank you for your comment. The FEIS acknowledges the uncertainty associated with impacts from private recreational vessels in the Analysis Limitations section of Chapter 3.
Brian C Goodremont- San Juan Island Outfitters	15	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.

<p>Brian C Goodremont- San Juan Island Outfitters</p>	<p>15a</p>	<p>With three vessels, San Juan Safaris and San Juan Island Outfitters operate 3-5 tours daily during peak summer months. Our tours range 3-4 hours each. Two of our vessels run two or more trips per day June through early September and we require time between tours to offload and load customers and clean. In light of COVID-19, the time between tours has had to increase to allow for additional sanitation and safety measures. With the limitation on time and viewing days, our whale watching opportunities would be reduced by more than 29 – 57% as stated by the EIS and could be decreased by as much as 75% if the tightest restrictions are enforced under Alternative 2.</p>	<p>The effects of timing restrictions on CWW activity depend on the ability of the industry to adapt (e.g., by shifting some level of activity to allowable times and days). The extent to which the industry can adapt depends both on the length and specific timing (i.e., which days, hours, seasons) of the restrictions, as well as the flexibility of the operations to adjust. With respect to restrictions on the days CWW is allowed, the DEIS presents the percent change in the days of the week which would allow CWW activity. For seasonal- and hours-based timing restrictions, the DEIS generally describes the restrictions qualitatively (i.e., they are not included in the reported percent change in CWW days of the week). The percent change in CWW days is not intended to represent the effect of the restrictions on percent change in overall CWW activity level. Depending on the specific timing restriction, some or all of the CWW activity may be shifted to allowable timeframes. The percent change in CWW days does not reflect this potential for adaptation. Of note, DFW has not included timing restrictions on overall CWW activity within its proposed rule; the timing restrictions currently proposed are limited to viewing of SRKW.</p>
<p>Brian C Goodremont- San Juan Island Outfitters</p>	<p>15b</p>	<p>San Juan Safaris offers a daily “sunset” whale watching tour from Memorial Day through late August that is very popular. This tour returns later than two hours prior to sunset and this restriction would not allow us to run this tour. Additionally, later in the summer and fall as the sun sets earlier, this time restriction would restrict even our early/mid-afternoon tours as our tours can be up to 4 hours long. We cannot shift tours to an earlier departure time due to the operating schedule for the WA State Ferries, which most of our guests take for a day trip, and we often have to push tours back due to late ferries. Alternative 3 would inhibit our ability to run tours during early and late season by restricting what time we are able to offer tours. Alternative 3 could cause at minimum a 25% decrease in our peak season tour offerings (well above the proposed 14% by the EIS) and could additionally cause us to not run tours at all during fall and early spring (2-4 months of our operating season).</p>	<p>The effects of timing restrictions on CWW activity depend on the ability of the industry to adapt (e.g., by shifting some level of activity to allowable times and days). The extent to which the industry can adapt depends both on the length and specific timing (i.e., which days, hours, seasons) of the restrictions, as well as the flexibility of the operations to adjust. With respect to restrictions on the days CWW is allowed, the DEIS presents the percent change in the days of the week which would allow CWW activity. For seasonal- and hours-based timing restrictions, the DEIS generally describes the restrictions qualitatively (i.e., they are not included in the reported percent change in CWW days of the week). The percent change in CWW days is not intended to represent the effect of the restrictions on percent change in overall CWW activity level. Depending on the specific timing restriction, some or all of the CWW activity may be shifted to allowable timeframes. The percent change in CWW days does not reflect this potential for adaptation. Of note, DFW has not included timing restrictions on overall CWW activity within its proposed rule; the timing restrictions currently proposed are limited to viewing of SRKW.</p>

Alanna Frayne- The Whale Museum	16	<i>See full letter in Appendix C-3.</i>	Thank you for your letter.
Amy Nesler- San Juan Islands Visitors Bureau	17	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Please see response in Appendix C-1.
Alan Niles – Maya’s Legacy Whale Watching	18	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Specific responses to comments in your letter can be found below. The reference number is flagged in the full letter in Appendix C-3.
Alan Niles	18a	Not a point to be belittled, is the role commercial operators play in alerting other vessels to the presence of whales. We not only stop vessels heading directly into whales at high speed many times, but we slow down vessels nearby which reduces the overall soundscape.	Thank you for your comment. The FEIS describes the possible influence of CWW vessels on private recreational boaters as both sentinels and magnets in the Mitigation Measures section of Chapter 3.
Alan Niles	18b	As for your specific plan it is in no way in alignment with science or whale behavior. To make rules around days of the week, times of the day and specific locations goes to show how little this is about SRKW protection and instead about public optics. Taking whale watchers out of view does not fix the problem for the whales. Even if you implement these rules it will only change a very few hours of the whales lives a year. (not for the better as I have stated). However when the whales do decide to come to San Juan island you are going to allow recreational boats and fishing boats to transit the area even close to shore. Is this not obvious to everyone what a problem this is? If you take a way the experts/sentinels, you are left with a vacuum of knowledge. Who will report times to celebrate new births, time to mourn deaths, inspire the public to take action to save the salmon, with beautiful photographs of majestic whales who are tied to their survival.	Thank you for your comment. As directed by RCW 77.65.620, the CWWLP will only apply to commercial whale watching license holders.
Mark Vigna	19	<i>See full letter in Appendix C-3.</i>	Thank you for your letter. Please see response in Appendix C-1.