



State of Washington  
**Fish & Wildlife Commission**

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January 13, 2023

Dear Governor Inslee and Members of the Washington State Legislature,

The Fish and Wildlife Commission, the body tasked with protecting and preserving the fish and wildlife of the state, write today in full support of the Department's proposed changes to the vessel approach rules for Southern Resident Killer Whales as well as the commercial whale watching licensing program.

We met on January 13, 2023, and heard a staff presentation on the *Southern Resident Killer Whale Vessel Adaptive Management Legislative Report* delivered to you on November 30, 2022. We are writing to elevate this report and impress upon the Legislature the importance of implementing the Department's recommendations to better protect Southern Residents from the effects of vessel noise and disturbance.

Despite the State's impressive investment in implementation of the Southern Resident Orca Task Force recommendations, the Southern Residents remain critically endangered and in need of both sustained effort and increased protections to support their recovery. The population's dire status was emphasized by the Department's 2022 rule designating emergency protections for twelve whales in the poorest body condition state, which is associated with a two-to-three times higher risk of mortality.

Beyond the fragile status of the population, the Department's report highlights the best available science that shows our current state vessel regulations do not sufficiently protect Southern Residents from the impact of vessels on their ability to successfully forage. Integrating feedback from stakeholders and the public with compliance analysis and an assessment of the latest science, the legislative report recommends increasing the vessel buffer around Southern Resident killer whales to 1,000 yards for all non-exempt vessels and making other related improvements to the statutes regulating commercial whale watching.

These recommendations were recently filed as HB 1145 by Representative Berry and SB 5371 by Senator Lovelett and the Commission would like to thank them and the co-sponsors for being champions for the Southern Residents. Please join them in stewarding this bill through the legislative process and ensuring Southern Residents may benefit from increased foraging opportunities as soon as possible.

Sincerely,

Barbara Baker, Chair

Washington Fish and Wildlife Commission, signing on behalf of a unanimous body

cc: Ruth Musgrave, Governors Office

Chair Barbara Baker, Olympia • Vice Chair Molly Linville, Palisades  
Tim Ragen, Anacortes • John Lehmkuhl, Wenatchee • Lorna Smith, Port Townsend  
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