

RCW 77.65.620

Commercial Whale Watch License Holder Requirements

(1). Except as provided herein, it is unlawful for a license holder to take passengers to view southern resident killer whales or cause a motorized vessel to approach within 1000 yards of a southern resident killer whale.

(2). If a motorized commercial whale watch vessel inadvertently encounters southern resident killer whales, the license holder must immediately move the vessel to a distance of at least 1000 yards from the SRKW; notify WDFW and Soundwatch of their location; and, turn off the vessel's echosounders until the vessel is 1000 yards away from the SRKW except in emergency situations or for safety.

(3). If scientific data demonstrate that SRKW population health and numbers are recovering, the WDFW Director is authorized to allow limited commercial whale watch operations to view southern resident killer whales within the following parameters to minimize impacts on SRKW.

(a). No more than two motorized commercial whale watch vessels are to be authorized within 1000 yards of a southern resident killer whale, and such authorization would be valid only in locations where a Soundwatch or WDFW vessel are in the same area at the same time (within 1000 yards of SRKW).

(b). Viewing time would be limited to 30 minutes per license holder per day between 9am and 5pm. Viewing may be further limited to alternating days, hours, or times of day (morning/afternoon) to minimize continuous vessel effects and/or allow for research on vessel effects on SRKW.

(c). License holders would be prohibited from conducting whale watching within 1000 yards of SRKW during low visibility conditions (e.g., dawn, dusk, fog).

(d). If the SRKW population status declines, Sections (1) and (2) of these rules are to be put back into effect immediately.

(e). WDFW will revisit the scientific information on SRKW population health in 3 years and every year thereafter to determine if SRKW viewing authorization should continue or be altered.

(4). The following SRKW critical and core foraging areas will be closed to motorized commercial whale watching activities until such time that it is determined by WDFW that whale watch activities are having no impact on SRKW foraging success. Commercial whale watch vessels are prohibited from viewing marine mammals or transiting closed areas except for safety reasons or to access port facilities or docks.

(a). From April 1 to September 30, the west side of San Juan Island, extending 1000 yards offshore, from Mitchell Bay to Cattle Point is closed.

(b). From April 1 to September 30, Salmon Bank off San Juan Island is closed.

(c). Other areas/times may be closed to whale watching through public notice by WDFW.

(5). An automatic identification system (AIS) must be fitted aboard all motorized commercial whale watch vessels. The AIS must be capable of providing information about the vessel (including the vessel's identity, type, position, course, speed, and navigational status) to state and federal authorities

automatically. Vessels fitted with AIS shall maintain the AIS in operation at all times that the vessel is on the water.

(6). Licensed kayak tour operators must not allow any of the kayaks in their tour group to disturb southern resident killer whales. All kayaks in the tour group must adhere to the following requirements.

(a). Kayaks must not be launched from shore if SRKWs are within 1000 yards of the launch location. Kayak tour operators must wait until the SRKWs are at least 1000 yards away and traveling away from the kayakers' location before putting kayaks in the water.

(b). If kayaks inadvertently encounter a southern resident killer whale, they must immediately move all kayaks to as close to shore as possible and secure themselves, or raft up and stop paddling until the whales have moved to at least 300 yards away from the kayaks. The license holder must also immediately notify WDFW and Soundwatch of the kayakers' location.

(c). In the closed whale watch area on the west side of San Juan Island from Mitchell Bay to Cattle Point, kayaks must stay within 100 yards of shore except when safety conditions preclude it.

(d). Kayaks must not be launched in the closed whale watch area on the west side of San Juan Island from Mitchell Bay to Cattle Point if WDFW reports that SRKW are within 1000 yards of the beach in this area.

(7). License holders must attend WDFW training on identifying marine mammals, estimating distances on the water, and SRKW reporting. At completion of training, license holders must demonstrate that they can distinguish SRKW from transient (Bigg's) killer whales.

(8). Reporting – License holders shall maintain logs on whale watching activities. The Logs shall consist of daily reports on License holder name; Vessel name; Port(s) of departure; departure time(s); return time(s); number of passengers; location(s) (Lat/Long) of marine mammal viewing; and, species of marine mammal(s) viewed. A copy of the log shall be submitted to WDFW by the 5th of each month for the prior months whale watching activities. WDFW will make this information readily available to the public.