

# Straw Proposal- Round 2

Spreadsheet code: Proposal F

Based on the previous format:

3) Does your proposal include rules for commercial whale watching license holders for the viewing of SRKW? Please describe: Yes. My proposal would limit the number of license holders within the half-mile slowdown zone of a group of Southern Resident killer whales to 7. If there are more than 10 vessels (both license holders and non-license holders) within a half-mile of a group of Southern Resident killer whales, each license holder will limit their time to no more than 45 minutes. I also have recommendations for the administration of licenses that will help achieve the goal of minimizing the daily and cumulative effects on Southern Residents that I will detail completely in question 9.

4) How is this (CWW viewing of SRKW) aspect of your proposal designed to reduce the daily and cumulative impacts on SRKW? Where possible, cite science or data that supports your idea. It will ensure no more than 7 license holders within a half-mile of a group of Southern Residents at a time, and if there are more than 10 vessels (license holders and non-license holders), it will reduce the amount of time that each license holder can spend viewing Southern Residents. This maintains a sentinel/protective presence of professional operators around the whales, but offers an upper limit of how many license holders are viewing a particular group of Southern Residents at any given time. The administrative requirements regarding license eligibility will, over time, limit the number of commercial whale watch vessels on the water.

5) How might your proposal for CWW viewing of SRKW impact the economic viability of license holders? How did you consider the potential economic impact in your proposal? My proposal should not harm the economic viability of license holders, and my administrative proposals could potentially help in the long-term by reducing the total number of commercial license holders and limiting competition.

6) What are some potential challenges or drawbacks of your proposal in Question 3? How would you mitigate for them? Are there key questions the Science Panel could answer to validate or improve your proposal? I don't foresee drawbacks other than my proposal will make it more difficult for new whale watching companies to establish operations in Washington, creating a challenge for those hoping to start a new company in the state.

7) What conditions would indicate that these rules need to be updated/revised (more, less stringent, or new rules all together)? How would you recommend changing them based on changes in the system? E.g. lots of new births in one year triggers.... from X to Y? As whale trends change, the number of whale watching licenses allowed on the water could be either increased (approving more companies) or decreased (buying back licenses), although the state would not have the authority to revoke licenses without cause (conviction of violations), simply offer money to buy them back from holders.

8) How would the rules you propose in Question 3 be enforced? How do you propose we measure and maximize compliance? All license holders will have a large sticker (recommend at least 18"x18") that will be displayed prominently on their vessel (not transferable to other vessels) that identifies them as license holders. This non-transferable sticker would ensure that each vessel has paid their individual licensing fee as opposed to a company paying for a single license and using it on multiple boats. If there is a reasonable extenuating circumstance, such as a vessel being off the water for prolonged unexpected maintenance, allowances could be made to provide an additional sticker for use on another vessel temporarily while the original vessel is out of commission. (Will be different for kayakers. Ask Tom about a way that kayakers can be easily identified as being licensed that makes sense for them.) WDFW would also have access to each license holder's contact information to aid in enforcement and communication.

9) Does your proposal include recommendations to WDFW regarding the administration of the CWWLP? (e.g. requirements for license holders, including reporting, education/outreach, qualifications, etc.) What are your recommendations? How would these recommendations enhance your proposal and benefit SRKW? Are there any drawbacks? Note: These recommendations alone do not meet our legislated mandate and may require additional legislation. If an operator conducted at least 50 tours in 2018 and 2019, they would be automatically eligible for a Commercial Whale Watch License in Washington. Operators that do not meet this threshold would still be able to apply for a license and it would be up to the state to decide whether or not to issue one. This would give the state the ability to control the number of licenses. Companies with a license would be entitled to automatically renew their license each year by paying the fees (no reapplication process) unless the operator has been

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convicted of violations regarding the viewing of Southern Resident killer whales that would cause the state to revoke their eligibility. Both Canadian and US operators should be able to purchase a license. Based on geographic location, some Canadian operators would likely choose not to purchase a license, as they rarely enter US waters. If a company chooses not to renew their license but decided several years later that they would like to obtain one, they would be subject to applying as a new operator. Companies that have been granted a license in the past should be entitled to a one year "grace period" during which they can pay a reduced fee to "pause" their license for reasonable extenuating circumstances (medical conditions, family emergency, extended boat repair/upgrade, etc.) As described above, each vessel will receive a separate license sticker after fees are paid for that vessel, but the operator will be the owner of the licenses, meaning that if a company is sold to a new owner, the licenses would transfer to the new operator without having to reapply. If an operator adds or exchanges a vessel (example purchasing a 100-passenger vessel when their previous vessel carried 40), they would have to reapply for a new license for that vessel specifically. Over time, this would control/reduce the number of commercial whale watch vessels in Washington. If the state came to the conclusion that they wanted less licenses issued, they could offer to "buy back" the license for a worthwhile fee, but they would not be able to revoke existing licenses from operators in good standing.

10) Does your proposal include any additional/broader recommendations outside the scope of our rulemaking under RCW 77.65.620? What are your recommendations? How would these recommendations enhance your proposal and benefit SRKW? Are there any drawbacks? While we acknowledge we cannot control the decisions of other countries, we would love an understanding that if Canadian operators are eligible to purchase a license to view whales in Washington waters that should, down the road, Canada implement a similar licensing system, US operators also be afforded that same eligibility to purchase a Canadian license. This would benefit Southern Residents by ensuring that other groups of whales, such as humpback whales or Bigg's killer whales, in Canadian waters are available as an alternative for US operators.