

**RCW 77.65.620**

**Commercial Whale Watch License Holder Requirements**

(1). Except as provided in paragraph (2) below, it is unlawful for a license holder to take passengers to view southern resident killer whales or cause a motorized vessel to approach within one mile of a southern resident killer whale.

(a). If a motorized commercial whale watch vessel inadvertently encounters southern resident killer whales within 1000 yards, 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.

(b). If southern resident killer whale occurrence and foraging patterns in inland waters declines in comparison to recent past years, WDFW will immediately suspend the authorizations in paragraph (2).

(2). Motorized commercial whale watch vessels may approach within a mile of a southern resident killer whale under the following conditions:

(a). Viewing of southern resident killer whales is authorized only in locations where a Soundwatch or WDFW vessel are within 1000 yards of the southern resident killer whales

(b). No more than two motorized commercial whale watch vessels are authorized within 1000 yards of a southern resident killer whale at one time.

(c). Viewing is authorized on alternating mornings (8am to 11am) and afternoons (12pm to 4pm) from April 1<sup>st</sup> to September 30<sup>th</sup> to minimize continuous vessel effects and allow for research on vessel presence.

(d). A maximum of 30 minutes viewing time is authorized per vessel per day.

(3). Licensed kayak tour operators must prevent kayaks in their tour group from disturbing 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 southern resident killer whales are within one-half mile of the launch location.

(b). 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 or Soundwatch report that SRKW are within one mile of the beach in this area.

(c). Kayaks are prohibited from approaching within 300 yards of any killer whale. If killer whales are moving towards the kayaks, the kayaks should immediately move out of the path of the whales.

(d). 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 kayaks' location.

(e). 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.

(4). Closed Areas – Critical foraging habitat for southern resident killer whales is closed to commercial whale watching activities until such time that it is determined by WDFW that whale watch activities are having no adverse impact on SRKW foraging success. Commercial whale watch vessels are prohibited from viewing marine mammals or transiting the closed areas as described below 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 one mile offshore, from Mitchell Bay to Cattle Point is closed to motorized whale watch vessels

(b). Other core foraging areas/times determined to be critical for the health of southern resident killer whales will be closed to all 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). All license holders must attend WDFW training on identifying marine mammals, estimating distances on the water, impacts of whale watching on marine mammals, and SRKW reporting. At completion of training, license holders must demonstrate that they can distinguish southern resident killer whales from transient (Bigg's) killer whales.

(7). 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 5<sup>th</sup> of each month for the prior months whale watching activities.