



PROMOTING STEWARDSHIP OF WHALES AND THE SALISH SEA ECOSYSTEM THROUGH EDUCATION AND RESEARCH

November 13, 2020

Washington Department of Fish and Wildlife
600 Capitol Way North, Olympia WA
98501-1091

The Board of Directors and staff of The Whale Museum (TWM) would like to express our appreciation to WDFW for presenting the opportunity to comment on the new WAC chapter 220-460 Commercial whale watching rule options. TWM's comments are based on approximately 40 years of historical data from our Marine Mammal Sightings Database and our Soundwatch Boater Education Program.

Upon reviewing the rule options, TWM supports the establishment of whale watch licensing, provisions, and restrictions as presented in **Option A** with the following exceptions;

Time Limitations on Viewing

Under *New WAC section 220-460-120 Time limitations on watching southern resident killer whales* there is no distinction as to how long a commercial whale watch vessel may observe Southern Resident Killer Whales during the viewing windows of 10am-12pm and 3pm-5pm. TWM proposes that commercial whale watch vessels be limited to 45 minutes of viewing time within a half mile of SRKW. Establishing a 45-minute time limit would prevent a whale watch vessel from staying in the vicinity of the SRKWs for the entire 2 hour viewing period, providing the whales with a potential for respite from vessel disturbances. TWM believes that a 45-minute time limit will prove beneficial to the SRKWs with minimal impacts on commercial operations.

Restricted Visibility

Additionally, TWM recommends that license holders shall not view SRKW in restricted visibility below 400yds. In the event that visibility is restricted below 400yds, any commercial whale watch vessels observing SRKWs would be in violation of RCW 77.15.740. Additionally, due to the nature of navigation in low visibility, there is compounding risk of distance-related incidents including vessel strike. A suspension of viewing under restricted visibility would benefit SRKWs by reducing the potential for these distance-related incidents. Such conditions are infrequent during the whale watch season and should not cause notable economic impact.

Reporting

Under *New WAC section 220-460-140 Commercial whale watching compliance and reporting* subsection (4), there is currently no mechanism outlined to provide real-time sightings or updates directly to WDFW

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enforcement. The WhaleReport Alert System (WRAS) is a valuable tool but does not currently address the need for real-time communication with local operators such as WDFW enforcement or research. TWM recommends that WDFW enforcement is included in receiving WRAS notifications, and further proposes that commercial whale watch license holders are required to report to WRAS and Be Whale Wise upon entering within one-half mile of a Southern Resident Killer Whale. Expansion of on-water enforcement, education, and reporting will be critical to the success of the rules.

The Whale Museum Board of Directors and staff appreciate the opportunity to provide comments on the proposed WAC chapter 220-460 Commercial whale watching rule options. We look forward to continue working with WDFW in the interest of the Southern Resident Killer Whales.

On behalf of The Whale Museum's Board and Staff
Respectfully submitted by,

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