

# Enhancing Protections for Endangered Southern Resident Killer Whales



Reference the full  
**Southern Resident Killer  
Whale Vessel Adaptive  
Management 2022  
Legislative Report**



[wdfw.wa.gov/publications/02354](https://wdfw.wa.gov/publications/02354)

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Listed as endangered under the Endangered Species Act in 2005, the Southern Resident killer whale (SRKW) population sits at just 73 individuals, with 12 whales designated in the poorest body condition state in 2022. The SRKW face three main threats: lack of food, contaminants in their food, and vessel noise and disturbance.

In 2019, **Senate Bill 5577** changed the rules for vessels operating near SRKW (approach distance and speed), created the Commercial Whale Watching Licensing Program, directed the Department to make rules for commercial whale watching, and **directed the Department to report back to the Legislature by November 30, 2022, with an assessment effectiveness and recommendations for adaptive management of the rules and regulations.**

In fall 2022, the Department delivered this report, which was informed by an extensive public process, including a public survey garnering 852 respondents, five focus groups representing commercial whale watching and sea kayak industry, nonprofits and the research community, and recreational boaters.

The report included a third-party analysis of compliance of recreational boaters and the commercial whale watching industry with the existing rules and laws. It also included a review of the **most recent science** around vessel impacts on orcas, which highlighted:

- SRKW, especially females, reduce foraging effort and have less successful prey capture when vessels are closer than 400 yards.
- Vessels traveling within 1640 yds, even at 1-2 knots, decrease SRKW foraging success.
- When vessels are closer, SRKW dive more steeply, and they increase energetically costly surface behaviors.

January 2023

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## 2019

- Senate Bill 5577 changed the rules for vessels operating near Southern Resident orcas (approach distance and speed), created the Commercial Whale Watching Licensing Program, directed the Department to make rules for commercial whale watching operators, and directed the Department to report back in 2022 with recommendations for vessel adaptive management of rules and regulation aimed at reducing vessel impact on Southern Resident orcas.

## 2020

- WDFW created rules commercial viewing of Southern Resident killer whales.

## 2021

- WDFW launched the Commercial Whale Watching Licensing Program.
- Senate Bill 5330 waived the licensing fees for two years and made a few simplifications to the license structure.

## Fall 2022

- WDFW produced the Southern Resident Killer Whale Vessel Adaptive Management 2022 Legislative Report



In January 2023, legislative bills were filed outlining many of the report's recommendations. **The bills (House Bill 1145, Senate Bill 5371) include:**

- The **1,000-yard vessel buffer for Southern Residents** as outlined in the Department's report.
- Modificationsto how the Department **licenses commercial whale watching and sea kayak tour companies**, including streamlining the fees for commercial operators.
- The distinction of **sea paddle operations** in relation to commercial viewing of Southern Resident orcas.
- Changes to the **enforcement statute** that better align with how WDFW enforces other natural resource offenses.

The report recommends these changes as a way to 1) address recent science showing the current regulations do not protect SRKW from vessel impacts on their ability to forage, 2) reduce the complexity of restrictions for all boaters, 3) enhance compliance, collaboration, and enforcement to better protect SRKW and support their recovery.

This 1000-yard restriction would apply only around the endangered Southern Resident killer whale population. For other killer whales encountered in the inland waters of Washington, such as Bigg's transient killer whales, boaters and commercial whale watching operators would continue to follow current federal law specifying vessels must remain at least 200 yards away.

The Department will monitor the bills and remain available to answer questions about the report and recommendations.

January 2023