

Southern Resident Killer Whale Task Force Meeting #4: Discussion Guide – Vessels

This document is intended to help guide further discussion around the action items presented below. These action items were flagged as needing additional discussion, in part based on responses to the survey sent to all Task Force members on 8/13/18.

Actions are NOT listed in priority order.

QUESTIONS FOR THE TASK FORCE

For each potential action below, please discuss and reply to the following questions:

- Which action(s) do you support including in the 2018 report to the Governor? Do any of these actions require further Task Force discussion, such that they should be saved for potential 2019 recommendations?
- What additional information do you need to make a decision?
- Do you have suggestions for improvement to a potential recommendation?
- Is the package of vessel recommendations bold enough to make meaningful progress towards Southern Resident recovery?

In the presence of fast-moving boats, SRKW are subjected to louder noise emissions, greater masking effects, and potential for temporary and permanent hearing changes with longer exposures.

Action #1 (in survey): *Establish a no-wake zone with a speed limit of 5 knots in all Washington State waters for small vessels (<65ft) and commercial whale watching vessels within sight of orcas (and no less than 400 yards), with discretion to enforcement officers, while dedicating resources and capacity towards associated education and enforcement.*

Updated Action #1: *Establish a no-wake bubble with a speed limit of 5 knots in all Washington State waters for small vessels (<65ft) and commercial whale watching vessels within sight of orcas (extending 0.5 nautical mile or about 1km), with discretion to enforcement officers, while dedicating resources and capacity towards associated education and enforcement.*

Note: A Subgroup of the Vessels Working Group met on 8/22 and unanimously suggested extra emphasis on this updated Action #1 in lieu of the 400-yard bubble in Action 10 based on Houghton et al. (2015) and other science.

Survey Input from Task Force on Action #1:

- Task Force members recommended modifications/clarifications to this action, including:
 - Including dedicated state funding for enforcement in the action description.

- Also saying that vessels in transit should say ¼ mile off shore.
- 7 knots; 800 yards better than 400 yards.
- Combining this with the 400-yard buffer and no-go zones.
- Making it permanent and enforced.
- Quantifying “within sight” as either ½ or ¾ mile.
- Task Force members expressed questions or concerns about enforcement challenges and evaluating any potential impacts to safe navigation.

Original Action #5: *Establish a limited-entry permit program to ration recreational boating community's access to SRKWs, with officer discretion for enforcement.*

Suggested rewording from survey #5A: *Establish a recreational license requirement for recreational boating community's access to SRKWs, with officer discretion for enforcement*

Alternative Action #5B (WG discussion 8/22): *Establish an optional \$5 fee to boater registration, to fund education and enforcement activities that promote recreational vessels' compliance with best boating practices near orcas.*

Survey Input from Task Force on Action #5:

- Task Force members recommended modifications/clarifications to this action, including a wording change: *Establish a recreational license requirement for recreational boating community's access to SRKWs, with officer discretion for enforcement* and calling it a “license” (similar to a fishing license) instead of a “limited-entry permit.”
- Task Force members’ recommendations for how this process should work include:
 - Following a permitting process similar to obtaining a park or backwoods permit.
 - Requiring boaters to receive training (e.g., watch a webinar) on orcas and their needs in order to secure a permit and using permit fees to cover those training costs.
 - Issuing a limited number of permits for a limited duration (e.g., 6 months).
 - Thinking about a transboundary effort.
- Some Task Force members expressed concerns or questions related to implementation difficulty, benefits to orcas, unintended consequences (e.g., encouraging recreational boater interaction), enforcement, limiting people’s ability to experience and learn about the orcas, and targeting recreational boaters (e.g., whale-watching may not be a primary activity for these boaters; recreational fishing contributes to the economy; proportion of boats following the whales that are commercial operators versus recreational vessels; not wanting to further cut access to those who already advocate for orcas).
- Some Task Force members suggested alternatives to this action, including:

- Adding an optional \$5 fee to boater registration to support orca recovery.
- Increasing funding for educational on-the-water programs (such as Soundwatch) as well as governmental enforcement of private vessels for infractions.
- Keeping a security and safety buffer.

“NO GO” ZONE(S)

In late April, NOAA Fisheries asked Washington State to take additional action to protect SRKWs during the 2018 salmon fishing season. As a result, Washington State fish and wildlife managers have asked anglers and other boaters to avoid an area along the west side of San Juan Island to help protect the SRKWs’ access to a historically important summer feeding area. The Washington Department of Fish and Wildlife (WDFW) is working with partner agencies and stakeholder groups to help educate people about the voluntary ¼-to-½ mile wide “no-go” zone, which applies to all recreational boats—fishing or otherwise—including commercial whale-watching vessels.

Action #9: *Establish protection areas (no-go zones) that apply to all vessels, including fishing vessels, in critical areas for whales, including on the west side of the San Juan Islands and in marine areas 4, 5, and 6, (roughly extending from Admiralty Inlet to Neah Bay) based on the best available science showing where the SRKW are feeding.*

Working Group ratings	
Effectiveness	Medium
Affordability	Medium
Ease of implementation	Medium
Timeline for benefits to SRKW	Immediate
Geographic specificity	San Juan Islands
Notes	Addresses need for finer-scale, shared and updated understanding of locations (subdivisions) within current zone where SRKW feeding and socializing is concentrated (Ashe et al. 2010)

Survey Input from Task Force on Action #9:

- Task Force members recommended modifications/clarifications to this action, including:
 - Emphasizing “where the SRKW are feeding.”
 - Making closures temporary using real-time data on orca presence, or making closures seasonal using science-based evidence.

- Establishing an area to be avoided through the International Maritime Organization.
 - Clarifying how vessel captains will receive information and how often communications will be issued.
 - Expanding the zone to include central Puget Sound.
 - Planning to review effectiveness after 3-5 years.
 - Mentioning marine area 7 around the west side of the San Juan Islands.
- Some Task Force members expressed concerns or questions related to:
 - Tribal treaty rights.
 - One person said Area 7 would be more feasible than Areas 4-6 from that perspective. Another wondered if tribes would consider voluntary changes.
 - Evidence for effectiveness and benefit to orcas (including compared to slow speed zones around whales in all areas).
 - Feasibility/enforceability and challenges in communicating no-go zones effectively to different user groups.
 - Unintended consequences.

Action #10: *Create a 400-yard moving “bubble” around the orcas with long-term funding for enforcement. (In other words: Double the 200-yard NOAA approach distance limit; there is already a 400-yard NOAA restriction on parking in the orcas’ path). Work with Canada, BC, and the federal government to increase the number of vessels required to comply with this bubble.*

Note: As stated above a subgroup of the Vessels Working Group met on 8/22 and unanimously withdrew support of this action in favor putting even more emphasis on Action #1 and asked Todd Hass, as Chair, to articulate the scientific reasoning to the Task Force.

Working Group ratings	
Effectiveness	High
Affordability	Medium
Ease of implementation	Medium
Timeline for benefits to SRKW	Immediate
Geographic specificity	Statewide

<p>Supporting and dissenting opinions on ratings from WG discussion</p>	<p>Supporting</p> <ul style="list-style-type: none"> • Ability of SRKW to detect Chinook is more than doubled when small vessels are 400 yards—rather than 200 yards—away from the whales (over a range of speeds) (Holt 2008) <p>Dissenting</p> <ul style="list-style-type: none"> • The Canadian standard was just updated to 200m, so this would de-synchronize. • Possible challenges related to Federal pre-emption.
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Survey Input from Task Force on Action #10:

- Some Task Force members recommended modifications/clarifications to this action, including:
 - Ensuring that there is long-term enforcement funding.
 - Having exemptions for incapacitated or working vessels.
 - Clarifying more explicitly whether it applies to Biggs whales as well as SRKW.
- Some Task Force members expressed concerns or questions related to:
 - Holding commercial vessels to the same standard as the general public (e.g., commercial whale watchers that can identify transients could remain 200 yards from those orcas).
 - Evidence that the additional 200 yards would benefit the SRKW and be worth the cost of enforcement.
 - Whether this action would essentially eliminate whale watching.
- One Task Force member suggested an alternative to this action: Increasing enforcement and compliance with current restrictions on parking in the path to 400 yards.
- Another said that this action should be accompanied by a permitting system that reduces the number of boats.

NEW ACTIONS PROPOSED BY TASK FORCE MEMBERS IN THE SURVEY

- Recommend two to four quiet days per week when no vessel may approach orcas, commercial or non-commercial. This would allow us to study the difference in behaviors when vessels are and are not present for extended periods of time, which could inform future regulations.
- Create a text alert system so state and private ferries (high speed vessels especially) are proactively notified when orcas are in the vicinity, in order to reduce the risk of collisions or other disturbance.
- Ideas related to advancing shore-based observations: Increase shore-based enforcement to better manage kayaking companies. Fund an enforcement response network and a reporting hotline (if one does not already exist) so that residents along the shoreline can report inappropriate boater behavior around orcas. Provide training and equipment so shore-based observers can accurately report boater violations for enforcement follow-

up. *Note: Action on advancing shore-based observations was previously captured among 30 actions for Phase 2 of Working Group and Task Force ("Increase land-based viewing opportunities and infrastructure").*

- Establish an innovation fund related to Water Innovation (like we have for clean energy) to accelerate work on maritime innovation and clean commerce.
- Update ECHO action item or create a version of an ECHO type program that could work for ALL vessel operators with regard to SRKW location and the need to stay clear and observe the no go zone around the whales.
 - *Notes: For large vessels, this is intended to be covered under action 6 the whale report alert system by ECHO which will be advanced (i.e., further coordinated with US interests) in fall 2018 and beyond. For small vessels, the Working Group and others have voiced concern that real-time alerts could have the opposite effect and rather than serve as a deterrent, could attract recreational boaters to where SRKWs are and add disturbance and noise.*
- Action to address noise from military operations (and construction). *Notes:*
 - *On military operations, the Vessels WG has stated its interest in bringing the US Navy into the discussion. If the Task Force is interested in advancing related actions we propose the following initial wording: 1) Evaluate the likelihood and consequences of noise impacts from known or potential military operations (i.e., US and Canadian navies) for population-level effects on SRKW recovery, and 2) Evaluate the likelihood and consequences of noise impacts from shore-based or nearshore construction operations for population-level effects on SRKW recovery.*
 - *On construction: An assessment of noise from shore-based construction may be out there; we could seek input from WSF. The PVA by Lacy et al. (2017) does not include this category of threat among those expected to have a potential population-level effect on SRKW recovery. The vessels working group did not elevate this source of noise as a priority for consideration and the group's composition seemed unsuited for a deeper level of engagement.*