

		CURRENT USA / WDFW LEGISLATION	2025 Operational Season TC CSA-IO & MMR 2025 JUN01 to 2026 MAY31	2026 Operational Season TC CSA-IO & MMR 2026 JUN01 to 2027 MAY31	PENDING APPROVALS GOC KW PROTECTIONS beyond 2026 JUN01	
ALL VESSELS (with exemptions)	VESSEL PROXIMITY: KW (BIGGS)	[NOAA 50 CFR 224.103(e)(2)(ii)] It is unlawful for any person subject to the jurisdiction of the United States to: (i) Cause a vessel to approach, in any manner, within 200 yards (182.9 m) of any killer whale within inland Washington State waters	[MMR s.7] A person operating a vessel must not disturb killer whales in BC waters including approach within 200 m (with exemptions)  [CSA-IO s.3(1)&(4)(1)] A vessel or person operating a vessel must not approach within 400 m of a killer whale in Southern BC waters indicated in Schedule 1 (with exemptions) <b>COMMERCIAL ECOTOUR AUTHORIZATION EXEMPTION APPROACH UP TO 200 m</b>	[MMR s.7] A person operating a vessel must not disturb killer whales in BC waters including approach within 200 m (with exemptions)  No longer a measure under CSA-IO	[proposed MMR s.7 amendment] A person operating a vessel must not disturb non-SRKW in BC waters including approach within 200 m (with exemptions)	
	VESSEL POSITION: KW (BIGGS) PARK IN PATH	[NOAA 50 CFR 224.103(e)(2)(ii)] It is unlawful for any person subject to the jurisdiction of the United States to: (ii) Position a vessel to be in the path of any killer whale at any point located within 400 yards (365.8 m) of the whale. This includes intercepting a killer whale by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale within inland Washington State waters	[CSA-IO s.5(1)&(6)(1)] A vessel or person must not position itself such that the vessel is in the path of a killer whale in Southern BC waters indicated in Schedule 1	No longer a measure under CSA-IO		
	VESSEL POSITION: SRKW PARK IN PATH	[RCW 77.15.740 s.1(b)] It is unlawful for a person to: Position a vessel to be in the path of an SRKW at any point located within 1,000 yards (914.4 m) of the whale.	[CSA-IO s.5(1)&(6)(1)] A vessel or person must not position itself such that the vessel is in the path of a killer whale in Southern BC waters indicated in Schedule 1	No longer a measure under CSA-IO		
	VESSEL PROXIMITY: SRKW	[RCW 77.15.740 s.1(a)] It is unlawful for a person to: Cause a vessel or other object to approach, in any manner, within 1,000 yards (914.4 m) of a SRKW;	[CSA-IO s.3(1)&(4)(1)] A vessel or person operating a vessel must not approach within 400 m of a killer whale in Southern BC waters indicated in Schedule 1 (with exemptions)	[CSA-IO] A vessel or person operating a vessel must not approach within 1000 m of SRKW in Southern BC waters indicated in Schedule 1 (with exemptions)	[proposed MMR s.7 amendment] A person operating a vessel must not disturb SRKW including approach within 1000 m in BC waters (with exemptions)	
	VESSEL POSITION: FOLLOW	[RCW 77.15.740 s.1(c)] It is unlawful for a person to: Position a vessel behind an SRKW at any point located within 1,000 yards (914.4 m);				
	VESSEL POSITION: WITHIN 400YDS	[RCW 77.15.740 s.1(d)] It is unlawful for a person to: Fail to disengage the transmission of a vessel that is within 400 yards (365.8 m) of SRKW				
	VESSEL POSITION: DEPARTURE SPEED (400-1000YDS)	[RCW 77.15.740 s.1(e)] It is unlawful for a person to: Cause a vessel or other object to exceed a speed greater than 7 knots over ground at any point located within 1,000 yards (914.4 m) of SRKW				
	VESSEL PROXIMITY: EXEMPTIONS	[RCW 77.15.740 s.2] Federal, vessel traffic, science, rescue, safety	[CSA-IO s.3&4] [MMR] Exemption: Federal, vessel transit, science, rescue, safety	[CSA-IO] [MMR] Exemption: Federal, vessel transit, science, rescue, safety	[CSA-IO] [MMR] Exemption: Federal, vessel transit, science, rescue, safety	
	SPEED ZONES		[CSA-IO s.9&10] A vessel must not proceed at a speed in excess of 10 knots over ground in the waters indicated in Schedule 3 on or before November 30	[CSA-IO] A vessel must not proceed at a speed in excess of 10 knots over ground in the waters indicated in Schedule x on or before November 30	[CSA-IO] To be determined	
	CLOSED ZONES	US legislation ONLY applies to ECOTOURS	[CSA-IO s.7&8] A vessel or person must not operate a vessel in Vessel Restricted Zones	[CSA-IO] A vessel or person must not operate a vessel in Vessel Restricted Zones	[CSA-IO] To be determined	
	LICENCED / AUTHORIZED ECOTOUR VESSELS	CLOSED ZONES	[WAC 220-460-100 s.(1)] It is unlawful for operators of motorized commercial whale watching vessels to operate one-quarter nautical mile from shore from Mitchell (Mitchell Point to Cattle Point on the west side of San Juan Island or within one-half nautical mile of Lime Kln Point State Park. Paddle guides and all vessels on guided paddle tours must stay within 100 yards of shore	Saturna and Pender VRZ designated under CSA-IO apply to all VESSELS		
LICENCE / AUTHORIZATION		[RCW 77.65.615 s.1] [WAC 220-460-020 s.(1) to (10)] A commercial whale watching business license is required for commercial whale watching businesses. The annual fee for a commercial whale watching business license is \$200 in addition to the annual application fee of \$70.(2) The annual application for a commercial whale watching business license as described in subsection (1) of this section must list each motorized or sailing vessel to be covered under the business license.	[CSA-IO s.11] The Minister may, issue an authorization to a vessel, and to persons operating that vessel, to approach a killer whale, other than a SRKW, for the purpose of commercial whale-watching or ecotourism at a distance no closer than 200 m. An authorization is subject to conditions respecting the protection of killer whales, the protection of the marine environment or marine safety			
LICENCE / AUTHORIZATION: GENERAL		[WAC 220-460-020 to 090] (20)Application (30)Replacement (40-50)Designation (60)Modifications (70)Requirements (80) Renewal (90) SRKW rules apply	[CSA-IO s.11] (1)2)Issue an Authorization (3)Application for authorization (4)Conditions (5)Authorization on board vessels (6)Modification (7)Suspension (8)Reinstatement (9)Revocation			
LICENCE: INSPECTION			[CSA-IO s.11] this authorization letter must be kept on board each vessel and made available for inspection purposes, either via hard-copy or an electronic version;			
FLAG			[CSA-IO s.12(1)] ensure that the authorization flag provided by the Minister is visible on the vessel at all times			
AIS		[WAC 220-460-140 s.1] An automatic identification system (AIS) must be fitted aboard all motorized commercial whale watching 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. Operators must maintain the AIS in operation at all times that the vessel is conveying passengers for a voyage.	[CSA-IO s.11(4)] All commercial vessels with an authorization must be fitted with an AIS Class A or an AIS Class B, and it must be in operation at least 30 minutes prior to departure and for the entire duration of the voyage.	[CSA-NAV SAFETY REGS s.118(2)] All vessels over 8m carrying 1 passenger must be fitted with an AIS Class A or an AIS Class B, and it must be in operation for the entire duration of the voyage, (less than 8.0 m carrying not more than 12 passengers no AIS required)	[CSA-NAV SAFETY REGS s.118(2)] All vessels over 8m carrying 1 passenger must be fitted with an AIS Class A or an AIS Class B, and it must be in operation for the entire duration of the voyage, (less than 8.0 m carrying not more than 12 passengers no AIS required)	
TRAINING		[WAC 220-460-140 s.2] All CWW and paddle tour license holders must complete annual training on marine mammals, distances on the water, impacts of whale watching on marine mammals, and SRKW Orca-related rules and reporting	[CSA-IO s.11] Commercial whale watching company requirement for appropriate training/experience to receive a Sustainable Whale Watching Authorization			
TRAINING		[WAC 220-460-140 s.2] It is unlawful to operate a commercial whale watching vessel or guide a tour of nonmotorized vessels without completing the training for the current calendar year.				
SRKW ENCOUNTER: VESSEL RE-POSITION		[RCW 77.15.740 s.7(a)] If CWW after taking reasonable steps to determine SRKW and is within 1000 yards of SRKW, operator must: Immediately safely reposition the vessel to be 1,000 yards or farther from the SRKWs	[CSA-IO s.11(4)] vessels and persons operating a vessel under the WW authorization will not approach, follow, transit alongside, view or remain in the presence of SRKW			
SRKW ENCOUNTER: VESSEL DIRECTION			[CSA-IO s.11(4)] In moving away the operator of the vessel that is in proximity to a SRKW shall not change the direction of the vessel in a repetitive manner (Authorized WW vessels only)			
SRKW ENCOUNTER: REAL-TIME REPORTING TO WRAS		[RCW 77.15.740 s.7(b)] If CWW after taking reasonable steps to determine SRKW and is within 1,000 yards of SRKW, operator must: Immediately after repositioning the vessel, report the location of the SRKW to the WhaleReport (WRAS) application for the whale report alert system, or to a successor transboundary notification system designated by the department that is application is adopted by the international shipping community in the Salish Sea.	[CSA-IO s.12(1)(b)] A person who is operating a vessel to which an authorization was issued must as soon as feasible, use the WhaleReport (WRAS) application to record each observation of a SRKW that they make (Authorized WW vessels only)			
SRKW ENCOUNTER: DEPARTURE SPEED		[RCW 77.15.740 s.1(e)] Cause a vessel or other object to exceed a speed greater than 7 knots over ground at any point located within 1,000 yards of a SRKW (applies to all vessels not just CWW)	[CSA-IO s.11(4)] If identified as a SRKW, they shall not permit the vessel to remain stationary and shall move away at a constant speed that is not greater than 10 knots, and are to leave the area as soon as possible (Authorized WW vessels only)			
SRKW ENCOUNTER: VOLUNTARY LOGGING		[WAC 220-460-140 s.3] All commercial whale watching and paddle tour license holders are strongly encouraged to maintain accurate logs on each instance a vessel operating under a license encounters SRKW and submit copies of the logs to the department within 24 hours of the encounter.				
SRKW ENCOUNTER: VOLUNTARY LOGGING		[WAC 220-460-140 s.4] If applicable, license holders are encouraged to log details regarding encounters within 1,000 yards of SRKWs, including time and duration within 1,000 yards vicinity of SRKWs; time and duration within 400 yards of SRKWs; and measures taken to determine whether the whales were SRKWs.				
SRKW ENCOUNTER: REPORTING TO REGULATOR		[WAC 220-460-140 s.5] [RCW 77.15.740 s.8] The operator of a motorized commercial whale watching vessel may voluntarily log the incident, including measures taken to determine whether the whales were SRKW, and submit the log to the department within 24 hours of the incident.	[CSA-IO s.12(1)(a)] A person who is operating a vessel to which an authorization was issued must as soon as feasible, report the following information to the Minister each time that the vessel is within 400 m of a SRKW in the waters in respect of which the authorization was issued (Authorized WW vessels only)			
SRKW ADVERTISING			[CSA-IO s. 12(2)] Prohibition on advertising SRKW (Authorized WW vessels only)			
SRKW ADVERTISING			[CSA-IO s.11(4)] in addition to subsection 12(2) the holder will not offer, plan or promote excursions based on the viewing of SRKW (Authorized WW vessels only)			
NUMBER OF VESSELS: SRKW		[RCW 77.65.620] REPEALED				
DAYS & HOURS: SRKW		[RCW 77.65.620] REPEALED				
RESEARCH & RESCUE		LICENCE / AUTHORIZATION:	NOAA Legislation not sourced at this time.	[SARA s.73] The Minister may authorize a person to undertake an activity for (1)scientific research or (2)benefits or enhances survival or (3)affect incidental to activity with the following preconditions: (1)all reasonable alternatives have been considered/adopted, (2)measures taken to minimize impact and (3)will not jeopardize survival.	[SARA s.73] The Minister may authorize a person to undertake an activity for (1)scientific research or (2)benefits or enhances survival or (3)affect incidental to activity; with the following preconditions: (1)all reasonable alternatives have been considered/adopted, (2)measures taken to minimize impact and (3)will not jeopardize survival.	[SARA s.73] The Minister may authorize a person to undertake an activity for (1)scientific research or (2)benefits or enhances survival or (3)affect incidental to activity; with the following preconditions: (1)all reasonable alternatives have been considered/adopted, (2)measures taken to minimize impact and (3)will not jeopardize survival.
			NOAA Legislation not sourced at this time.	[MMR s.38] The Minister may authorize disturbance for (a) benefit without jeopardizing the survival (b) improve immediate chance of survival (c) contribute to conservation and protection (d) could ease the pain and suffering (e) scientific research or (f) production of audiovisual records that contribute to conservation and protection.	[MMR s.38] The Minister may authorize disturbance for (a) benefit without jeopardizing the survival (b) improve immediate chance of survival (c) contribute to conservation and protection (d) could ease the pain and suffering (e) scientific research or (f) production of audiovisual records that contribute to conservation and protection.	[MMR s.38] The Minister may authorize disturbance for (a) benefit without jeopardizing the survival (b) improve immediate chance of survival (c) contribute to conservation and protection (d) could ease the pain and suffering (e) scientific research or (f) production of audiovisual records that contribute to conservation and protection.