



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

May 16, 2023

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 4, Engrossed Substitute Senate Bill No. 5371 entitled:

"AN ACT Relating to protecting southern resident orcas from vessels."

This important bill protects Southern Resident orcas by addressing vessel impacts on their ability to forage, communicate and rest by expanding the vessel buffer (or approach distance) around Southern Resident orcas to 1,000 yards. It also reduces and simplifies the commercial whale watching licensing fees and improves the supporting education and enforcement efforts around these changes.

Section 3 of the bill requires a mailing to every registered vessel owner in the state regarding the orca protection vessel setbacks, speed limits, and whale warning flags. This mailing would entail a significant cost to the identified agencies, but funding was not provided for this work in the final budget. For this reason, I am vetoing Section 3. However, the updated vessel distance laws do not come in effect until 2025, so it is my hope that the workgroup tasked with developing outreach and education strategies under Section 6 of the bill will be able to provide recommendations and cost estimates to be considered in the 2024 supplemental budget.

Section 4 of the bill requires the Department of Fish and Wildlife to develop a transboundary and statewide plan to implement vessel distance regulations. The department is a coordinating partner in the Be Whale Wise partnership, which coordinates orca recovery efforts, including a transboundary plan for vessel guidelines across the state, federal, and international jurisdictions. Updating the transboundary plan is already prescribed in RCW 77.65.620, and the existing Southern Resident orca conservation and management framework also includes biennial adaptive management reporting requirements. The plan required in Section 4 would largely duplicate this ongoing effort and would not likely produce meaningfully different results. In addition, no funding was provided for the requirements in Section 4. For these reasons, I am vetoing Section 4. However, I am directing the department to coordinate with the Department of Fisheries and Oceans and with Transport Canada, who have jurisdiction in Canadian waters and manage vessel restrictions in Canada, in support of the updated Southern Resident orca recovery efforts.

For these reasons I have vetoed Sections 3 and 4 of Engrossed Substitute Senate Bill No. 5371.

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With the exception of Sections 3 and 4, Engrossed Substitute Senate Bill No. 5371 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", is written in a cursive style.

Jay Inslee
Governor