

On Enforceability, for the record:

Several of the comments in this record suggest that enforcing the proposed static Whale Protection Zone would be difficult or even impossible. It has even been suggested that a larger “moving bubble” established around each orca would be more enforceable. I disagree. It so happens that I know something about enforcement. I retired after 20 plus years as a federal agent. I investigated environmental crime having begun my law enforcement career on marine patrols with the US Customs Service.

Voluntary compliance with law is critical and most citizens will indeed comply. There are those though who are uninformed and then there are those who cheat. Violations and violators need to be addressed so the field is fair for everyone. The current boating rules around the SRKW and other marine mammals are only occasionally enforced because of staffing and funding issues. A moving bubble will have the same limitations and a constant vessel patrol will add to the noise problem for the SRKW. However, a static Whale Protection Zone can be continuously monitored and enforced from shore particularly if there is a substantial buffer zone in place.

Between volunteers with Orca Relief Citizens’ Alliance and Project SeaWolf, we can set up video and vetted trained witnesses who are able to monitor the Whale Protection Zone and provide admissible evidence for enforcement proceedings against violators. Enforcement is actually quite simple. I have discussed this possibility with the NOAA Fisheries Office of Law Enforcement. While that agency is stretched thin, I know how to assemble a prosecutable case, which they can refer to the US Attorney’s Office. It shouldn’t take more than a couple of prosecutions for the word to get out.

We are not suggesting civilian vigilantes here. This would be a team of vetted, trained, equipped, and competent volunteers willing to observe and testify. There would be no police actions such as arrests or search warrants performed by the team members.

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