**Concise Explanatory Statement (CES)**

**Concise Explanatory Statement for**

**WAC 220-460 Commercial Whale Watching**

**Rules amended as part of this rulemaking:**

 WAC 220-460

**Rules repealed as part of this rulemaking:**

 N/A

**Rules created as part of this rulemaking:**

 N/A

1. **Background/Summary of Project:**

In 2019, state law was adopted (2SSB 5577) creating a commercial whale watching license. In 2020, the Washington Department of Fish and Wildlife (WDFW) completed the rulemaking process directed in the legislation regarding the commercial whale watching license and rules applicable to license-holders, resulting in the creation of WAC chapter 220-460.

1. **Reasons for adopting the rule:**

The Washington State legislature amended the statute through bill ESB 5330 in the 2021 legislative session. The bill changed the commercial whale watching license structure: It separated business licenses from operator licenses, eliminated the “designated” and “alternate” operator distinctions, and created a separate license for motorized commercial whale watching operators and non-motorized tour operators (e.g. kayak guides). In addition, the bill exempted Canadian businesses from needing proof of authorization to do business in Washington (i.e. providing a Unified Business Identifier, UBI) and Canadian individuals from the residency requirement in RCW 77.65.040. The bill also modified the fee structure and waived fees for 2021 and 2022.

In May of 2021, WDFW filed WSR 21-11-095 via the expedited rulemaking process. Now, WDFW is entering this order adopting the rule in order to finalize the rulemaking. The intent of the rule is to 1) adopt content explicitly directed in Washington state statute by updating and aligning the definitions and language in WAC 220-460 with the 2021 amendments to RCW 77.65.615, and 2) correct typographical errors and clarify language of the rule without changing its effect.

1. **Differences between the text of the proposed rule and the rule as adopted:**

Not applicable because the text of the rule as adopted is the same as the text of the proposed rule that accompanied the notice of expedited rule making.

1. **Public comments, response to comments, and consideration of comments**

No written objections to the expedited rule making were filed with the agency within forty-five days after the notice of proposed expedited rulemaking was published. Therefore, the agency is entering an order adopting the rule without further notice or a public hearing.