



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 26, 2021

TIME: 11:28 AM

WSR 21-06-058

Agency: Washington Department of Fish and Wildlife (WDFW) (Order No. 21-22)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: In December 2020, WDFW adopted rules in WAC Chapter 220-460 for holders of commercial whale watching licenses. The purpose of this emergency rule is to delay the effective date of WAC 220-460-020, which sets forth license application processes, from March 1, 2021 to May 1, 2021..

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: **WAC 220-460-020**
- Suspended:

Statutory authority for adoption: RCW 77.12.047; RCW 77.65.615; RCW 77.65.620; RCW 77.15.020; RCW 77.04.012; RCW 77.04.55

Other authority: None

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The Washington Legislature is considering legislation that may modify the fee schedule for commercial whale watching licenses or may provide a temporary waiver of license fees to provide economic relief to small businesses. This rule will benefit the general welfare by delaying the need to apply for a commercial whale watching license while uncertainty exists about whether such fees may soon be waived or refunded. Even if such legislation is not ultimately adopted, delaying the implementation of WAC 220-460-020 by two months will at minimum allow businesses more time to apply for commercial whale watching licenses and budget for the license fees.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: 2/26/2021

Name: Amy Windrope

Title: WDFW Deputy Director

Signature:



WAC 220-460-02000A Commercial whale watching licenses—Application process and deadline.

Effective March 1 through April 30, 2021, a commercial whale watching license is not required for commercial whale watching motorized vessel, sailboat, and kayak operators. All other provisions regarding application requirements specified in WAC 220-460-020 are suspended through April 30, 2021.