RULE-MAKING ORDER
EMERGENCY RULE ONLY

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

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

Effective date of rule:
☒ 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Repealed: WAC 220-460-020
Amended:
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- Federal statute: New _____ Amended _____ Repealed _____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 _____

Date: February 26, 2021
Time: 11:28 AM
WSR 21-06-058
<table>
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<th>Section Adopted At the Request of a Nongovernmental Entity:</th>
<th>New</th>
<th>Amended</th>
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<tr>
<td>The number of sections adopted on the agency’s own initiative:</td>
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<td>The number of sections adopted in order to clarify, streamline, or reform agency procedures:</td>
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<td>The number of sections adopted using:</td>
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<td>Pilot rule making:</td>
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<tr>
<td>Other alternative rule making:</td>
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**Date Adopted:** 2/26/2021

**Name:** Amy Windrope

**Title:** WDFW Deputy Director

**Signature:**
WAC 220-460-0200A  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.