



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: September 30, 2024

TIME: 1:55 PM

WSR 24-20-092

**Agency:** Washington Department of Fish and Wildlife (WDFW) P2024-14

**Subject of possible rule making:** The department is considering rules regarding Southern Resident orcas, including amending and adding to rules in WAC Title 220.

**Statutes authorizing the agency to adopt rules on this subject:** RCWs 77.04.012, 77.04.020, 77.04.055, 77.12.045, 77.12.047, 77.65.615, 77.65.620, and 77.15.740.

**Reasons why rules on this subject may be needed and what they might accomplish:** The department seeks to amend and add rules in WAC title 220 to clarify requirements for commercial whale watching and paddle tour license holders as authorized under RCW 77.65.620. In addition, the department is considering creation of a new rule that clarifies the administrative requirements for research and oil spill response activities closer than 1000 yards to Southern Resident orcas. In part, this rulemaking is prompted by 2023 legislation (ESSB 5371).

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** WDFW is the sole state agency with authority to regulate commercial whale watching in Washington state. The U.S. Coast Guard also has the authority to regulate maritime transportation, and the National Oceanic and Atmospheric Administration (NOAA) oversees conservation and management of marine mammals such as the Southern Resident orcas. A government-to-government work group will be convened to coordinate the rules with these agencies.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

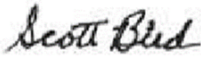
**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Julie Watson  
Address: P.O. Box 43200, Olympia, WA 98504-3200  
Phone: 855-925-2801 project code: \_10646\_\_\_\_\_  
Fax:  
TTY:  
Email: 2024southernorcascr101@publicinput.com  
Web site: <https://publicinput.com/2024southernorcascr101>  
Other: :

(If necessary)

Name: Scott Bird, Rules Coordinator  
Address: P.O. Box 43200 Olympia, WA 98504-3200  
Phone:  
Fax:  
TTY:  
Email: Rules.Coordinator@dfw.wa.gov  
Web site:  
Other:

Additional comments: Assistance for language translation, alternate format or reasonable accommodation:  
Contact Title VI/ADA Compliance Coordinator  
Phone: (360) 902-2349, TTY 1-800-833-6388 OR (711)  
Email: Title6@dfw.wa.gov  
For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>

<b>Date:</b> September 30, 2024	<b>Signature:</b>  
<b>Name:</b> Scott Bird	
<b>Title:</b> Agency Rules Coordinator	