

**WSR 24-20-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-14—Filed September 30, 2024, 1:55 p.m.]

Subject of Possible Rule Making: The department of fish and wild- life (department) is considering rules regarding southern resident or- cas, including amending and adding to rules in Title 220 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 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 Title 220 WAC to clarify requirements for commercial whale watching and pad- dle tour license holders as authorized under RCW 77.65.620. In addi- tion, the department is considering creation of a new rule that clarifies the administrative requirements for research and oil spill re- sponse activities closer than 1000 yards to southern resident orcas. In part, this rule making is prompted by 2023 legislation (ESSB 5371).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the sole state agency with authority to regulate commercial whale watching in Washington state. The United States Coast Guard also has the authority to regulate maritime transportation, and the National Oceanic and Atmospheric Administration oversees conservation and man- agement of marine mammals such as the southern resident orcas. A gov- ernment-to-government work group will be convened to coordinate the rules with these agencies.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Watson, P.O. Box 43200, Olympia, WA 98504-3200, phone 855-925-2801, project code 10646, email 2024southernorcascr101@publicinput.com, website <https://publicinput.com/2024southernorcascr101>; or Scott Bird, Rules Coordina- tor, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov.

Additional comments: Assistance for language translation, alter- nate format, or reasonable accommodation, contact Title VI/ADA compli- ance 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>.

September 30, 2024
Scott Bird
Rules Coordinator