

**WAC 220-460-050 Whale watching vessel designation requirements.**

(1) RCW 77.65.615 requires commercial whale watching businesses to designate the motorized vessel(s) and indicate if kayaks will be used for commercial whale watching. It is unlawful to engage in commercial whale watching activities unless:

(a) The licensee has designated all commercial whale watching motorized, including sailing, vessels to be used, and has designated if kayaks will be used;

(b) The department has issued a commercial license to the licensee showing the motorized vessel or kayaks so designated; and

(c) The person conducting commercial whale watching activities on behalf of the business has the appropriate documentation in physical possession.

(i) The operator of a motorized or sailing vessel must have both the commercial whale watching business license listing the vessel and their individual operator license for the current calendar year in physical possession.

(ii) The guide of a commercial kayak tour must have their individual kayak guide license in physical possession and must have either the commercial whale watching business license for the current calendar year or a printed or digital scan thereof.

(2) The licensee does not have to own the vessel being designated on the license.

(3) For motorized or sailing vessels, the commercial whale watching business licensee must provide applicable documentation numbers such as a hull identification number (HIN), current United States Coast Guard or Transport Canada certification inspection documentation, and/or a vessel registration number.

[Statutory Authority: RCW 77.65.615 and 77.65.620. WSR 21-23-070, § 220-460-050, filed 11/15/21, effective 12/16/21. Statutory Authority: RCW 77.12.047, 77.65.615, 77.65.620, 77.15.020, 77.15.160, 77.04.012, 77.04.55 [74.05.055]. WSR 21-01-216 (Order 20-264), § 220-460-050, filed 12/23/20, effective 1/23/21.]