

WSR 21-06-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-22—Filed February 26, 2021, 11:28 a.m., effective February 26, 2021, 11:28 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: In December 2020, the Washington department of fish and wildlife (WDFW) adopted rules in chapter 220-460 WAC 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 to May 1, 2021.

Citation of Rules Affected by this Order: Amending WAC 220-460-020.

Statutory Authority for Adoption: RCW 77.12.047, 77.65.615, 77.65.620, 77.15.020, 77.04.012, 77.04.55 [77.04.055].

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.

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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 26, 2021.

Amy H. Windrope
Deputy Director

[NEW SECTION]

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.

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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.