

# WDFW's WACs

## The need for a WAC overhaul



Fish & Wildlife Commission  
February Meeting  
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# Introduction



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My mission:

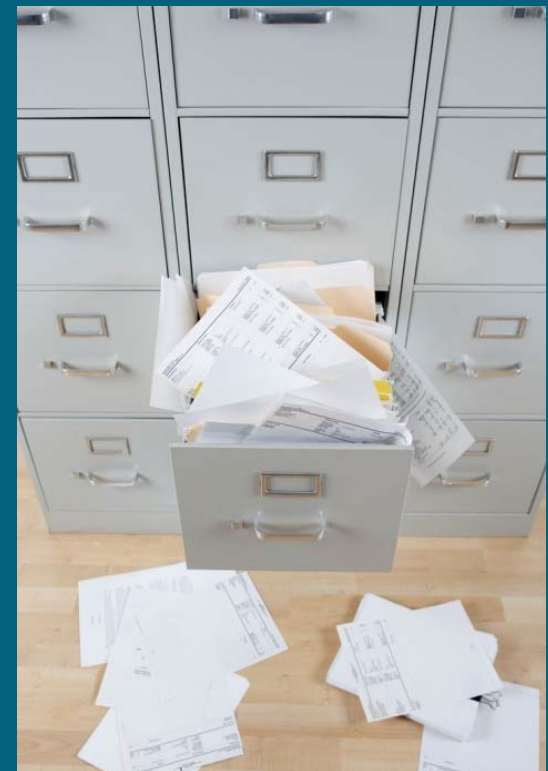
- Clean up our WACs! Reorganize them, eliminate repetition, and update/correct content.
- Improve enforceability through structural changes and clarifying language.

# Presentation Overview

- Why a WAC overhaul is necessary.
- The benefits of a WAC overhaul.
- The fundamental principles for the project.
- What the code will look like afterwards.
- How the overhaul will be accomplished.
- Where we are now.

# Why a WAC overhaul?

- The organization is problematic.
  - Rec and commercial regs commingle.
  - Fish and wildlife regs commingle.
- Rules are outdated.
- Rules lack uniformity.
- Sections repeat and overlap.



# Why a WAC overhaul?

- We refer to former agencies:
  - “Department of Fisheries” in WAC 220-56-110 & 112.  
“Department of Game” in others.
- We refer to WACs and RCWs that no longer exist.
- Some chapters are “catch-all.”



# “Catch-all” Chapter Example

- **Chapter 220-20** – General provisions
  - Subject area examples:
    - Residency
    - Commercial Provisions
    - Salmon rules
    - License sales – Dishonored check/credit card transaction penalties
    - Importing Shellfish
    - Watchable Wildlife Program
    - Scientific Collection Permits, and
    - Enforcement officer relief from active duty procedures



# “Catch-all” Chapter Example

- **Chapter 232-12 - Permanent Regulations**
  - Subject area examples:
    - Commission members recusal requirements
    - Classification of wild animals
    - Hunting and Trapping
    - Game farm license and other game farm rules
    - Treaty Indian fishing gear identification
    - Definition of Eastern and Western Washington
    - Discharge of litter on department lands
    - Public records; copying; other administrative rules
    - Commercial buying and processing of anadromous game fish/roe

# Enforcement Benefits



- Clearer organization = easier on officers.
- Clearer WACs = less ambiguity for officers.
- Aligning WACs with RCWs improves identification of violations.
  - WAC = specific to prohibition
  - RCW = provides penalty for prohibition
  - WACs must dovetail into RCWs



# Prosecution & Judicial Benefits

- Will increase successful prosecutions.
- Clear and concise elements – VERY important in legal matters.
  - Will reduce “unconstitutionally vague” challenges
- Provides full legal perspective when applicable RCW is included in the WAC.
- Less need for a prosecutor’s manual.



# Public Benefits

- Better organization will let the public find WACs more easily.
- The public (commercial and recreational) will understand regulatory expectations more easily.
- User groups will increase their compliance.



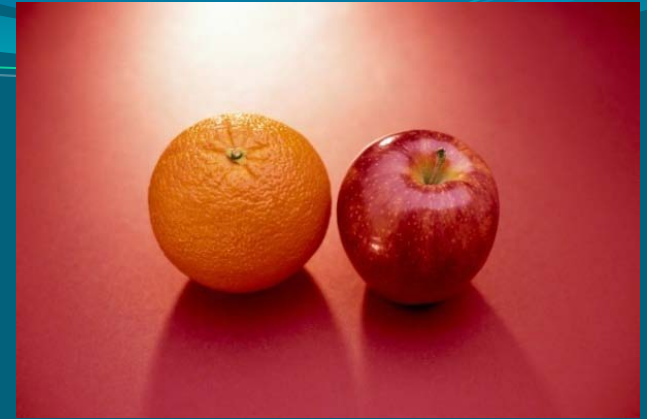
# WDFW Benefits



A better-organized code =  
easier for staff to manage

# The Project

# Fundamentals



- Put apples with apples, not oranges.
- Simplify use and understanding.
- Key Words:
  - Accuracy
  - Clarity
  - Uniformity
  - Legal adequacy
  - Enforceability

# Work Distribution



- **Housekeeping** (85%)
  - General re-sorting
  - Correcting and adding references
  - Review committee – program involvement
- **Substantive Changes** (15%)
  - Create subsections, restructure, and clarify language
  - Must be very carefully considered; program & stakeholder involvement is vital
  - Will be done in batches

# Housekeeping



- Consolidate all agency WACs under one title.
  - WDFW currently has two, Title 220 and Title 232 – holdovers from former agency merger.
- Reorganize on a section-by-section level (topic-area organization).
- Use headings between subject groups in the title's chapter listings.
- Use subheadings within chapters.

# Example

## FISHERIES



Chapter 220-300: General definitions, classifications, and closed areas – Fisheries.

- a. Definitions and classifications
- b. Marine Preserves
- c. Conservation Areas
- d. Rules applying to personal-use and commercial

Chapter 220-310: Personal-use fisheries.

- a. Definitions
- b. General rules
- c. Marine



# Substantive Changes

- **What are “substantive” changes?**
  - Clarifying wording, streamlining, and updating.
  - Combining sections, moving and creating subsections, etc.
- **Why is this important?**
  - Benefits to officers, prosecutors, and judges.
  - Improved enforceability!
  - Increased public understanding of rules.
  - Streamlines the code.

# How will the overhaul be accomplished?



- **Preliminary project plan.**
  - Overhaul will occur in phases over two years.
  - Programs are reviewing.
- **Collaboration on contents & timeline.**
  - Program contacts have been selected.
  - Project lead will work with program contacts.

# Project Phases



- Phase I:

- Plan project
- Develop initial organizational structure
- Brief program contacts
- Begin technical repeal/amendments

- Phase II:

- Continue technical repeal/amendments
- Draft amendments required by RCW
- Identify substantive changes needed
- Track cross-references

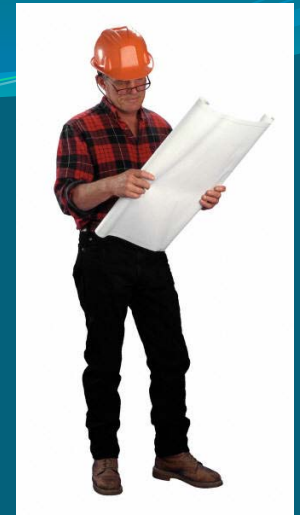
# Project Phases



- Phase III:
  - Begin presentation of proposed structural/substantive changes to Commission (pre-reorg.)
  - Complete the cross-reference list
  - Plan post-reorg. substantive changes
  - Prepare for reorg. and renumbering
  - Review and edit

# Project Phases

- Phase IV:
  - Continue to review and edit
  - Continue Commission presentations
  - Continue post-reorg. substantive changes preparations
  - Complete WAC reorg. and renumbering (no commission action required)
  - Change WAC cross-references (no commission action required)



# Project Phases



- Phase V:
  - Complete post-reorg. proposed substantive changes
  - Review → Identify and complete additional tasks
    - cross t's and dot i's.
  - Final Review and project wrap-up.
  - Complete project report for future reference to avoid disorganization.

# When will substantive changes occur?

- Late 2012 and all of 2013.
  - Some will be prior to reorg/renumbering if the changes will affect organizational structure.
  - Some will be post-reorg/renumbering if the changes are internal changes within sections and will not affect organizational structure.

**Reorganization and renumbering  
target date: Spring 2013.**

**Full project completion: before  
November, 2013.**





# Project Phase Timeline

- Phase I – Nov. 2011- Present
- Phase II – Present - June 2012
- Phase III – April / May 2012 - Dec. 2012
- Phase IV – Dec. 2012 - late Spring 2013
- Phase V – Spring 2013 - Nov. 2013

# Where are we now?

- Currently in Phase I; moving into Phase II.
- Almost done outlining WAC placements. Programs will review.
- Preparing second batch of minor, technical repeals/amendments.



# Questions?

