
Summary

Meeting dates: February 6-7 2015

Agenda item: Briefing –Repeal WAC 220-52-01904

Presenter(s): Frank Hawley, Licensing & Budget Policy Manager, and Joanna Eide, Criminal Justice Liaison/Rules Coordinator

Background summary:

In September 2014, the Commission adopted WAC 220-52-01904 to allow the department to equitably issue geoduck dive licenses for first right of refusal applicants as established in section 2 of HB 1764.

WAC 220-52-01904 was adopted to create an on-boarding process for WDFW to issue 2015 geoduck diver licenses at the end of 2014 due to recent changes to state law limiting the number of geoduck diver licenses WDFW may issue to 77 beginning January 1, 2015. When WAC 220-52-01904 was adopted, WAC 220-52-01905, Commercial geoduck harvest – Geoduck diver license application and issuance process, was also adopted. WAC 220-52-01905 details the license issuance process WDFW will use after January 1, 2015, and went into effect on that date. For these reasons, WAC 220-52-01904 will no longer necessary and should be repealed after January 1, 2015. This process was explained to the Commission prior to the adoption of the rules in Fall, 2014.

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Policy issue(s) you are bringing to the Commission for consideration: None-Housekeeping

Public involvement process used and what you learned: DNR and WDFW interacted with and received input from the Geoduck Diver Association in passing the underlying legislation (HB 1764) that made these proposed rule changes necessary. The meetings held regarding HB 1764 allowed the Geoduck Diver Association to participate in formulating the bill. WDFW has included stakeholders in formulating the proposed new license issuance process, and notified stakeholders of the proposed rulemaking as required by the Administrative Procedure Act.

Action requested: None

Draft motion language: N/A.

Justification for Commission action:

HB 1764 was passed by the Washington State Legislature in 2013. This bill limited the geoduck diver licenses issued by the department to 77 licenses per calendar year beginning in 2015 and imposed new application eligibility requirements.

WDFW-Licensing has processed all right of first refusal applicants and reached 77 geoduck diver licenses for the 2015 license year, eliminating the need for the current WAC 220-52-01904. WAC 220-52-01905 adopted back in September and effective on January 1, 2015, establishes an ongoing equitable process to comply with changes to state law to limit geoduck

diver licenses to 77 per year beginning January 1, 2015.

Communications Plan: This rule proposal is listed on the department's website on the Current Rule Making Activities page. The department sent notification of the rule change proposal to members of the public who expressed interest in receiving notification of proposed rule changes. The department also shared rule changes with stakeholders and notified holders of geoduck diver licenses and those who indicated their wish to have a first right of refusal for a 2015 geoduck diver license. Because this proposal is technical in nature, no extensive formal communications plan was necessary. The department will hold a public hearing at the February Fish and Wildlife Commission Meeting and receive public comments at that time as well.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-22-111 on 11/05/14;
or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Repealing WAC 220-52-01904, Commercial geoduck harvest – License application and issuance process for 2015 geoduck diver licenses.

Hearing location(s):

Natural Resources Building, Room 175
1111 Washington St. SE
Olympia, WA 98504

Date: February 6-7, 2015 Time: 8:30 a.m.

Submit written comments to:

Name: Joanna Eide, WDFW Rules Coordinator
Address: 600 Capitol Way N
Olympia, WA 98501-1091
E-mail: Rules.Coordinator@dfw.wa.gov
Fax (360) 902-2155 by (date) January 23, 2015

Assistance for persons with disabilities:

Contact Tami Lininger by January 28, 2015
TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: On or after February 20, 2015
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department proposes repealing WAC 220-52-01904, Commercial geoduck harvest – License application and issuance process for 2015 geoduck diver licenses.

Reasons supporting proposal: WAC 220-52-01904 was adopted to create an on-boarding process for WDFW to issue 2015 geoduck diver licenses at the end of 2014 due to recent changes to state law limiting the number of geoduck diver licenses WDFW may issue to 77 beginning January 1, 2015. When WAC 220-52-01904 was adopted, WAC 220-52-01905, Commercial geoduck harvest – Geoduck diver license application and issuance process, was also adopted. WAC 220-52-01905 details the license issuance process WDFW will use after January 1, 2015, and will go into effect that date. For these reasons, WAC 220-52-01904 will no longer be necessary and should be repealed after January 1, 2015.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 24, 2014

TIME: 10:44 AM

WSR 15-01-196

DATE

December 24, 2014

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Joanna Eide	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2403
Implementation....	Frank Hawley	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2453
Enforcement.....	Steve Crown	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

This rule proposal is technical only and will not impact small businesses as a similar rule to this will already be in effect for the issuance of geoduck diver licenses for 2016 licenses and those issued after that. WAC 220-52-01904 was simply an onboarding rule implementing a new license limitation for 2015 geoduck diver licenses required by changes to state law and will not be needed after January 1, 2015.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics rules.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-01904 Commercial geoduck harvest—License application and issuance process for 2015 geoduck diver licenses.