



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 12-140

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Amends WAC 220-95-100, Sea urchin license reduction program; and WAC 220-95-110, Sea cucumber license reduction program, to implement a permit buy-back program to reduce the number of commercial sea urchin permits to 20 and sea cucumber permits to 20.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-95-100 and 220-95-110
Suspended:

Statutory authority for adoption: RCW 77.12.047, 77.70.150, and 77.70.190

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-09-053 on April 16, 2012.
Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: June 15, 2012

NAME (TYPE OR PRINT)
Miranda Wecker

SIGNATURE
Miranda Wecker

TITLE
Chair, Fish and Wildlife Commission

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 10, 2012

TIME: 5:12 PM

WSR 12-15-019

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	2	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 07-88, filed 5/18/07, effective 6/18/07)

WAC 220-95-100 Sea urchin license reduction program. In order to provide for economic stability in the commercial sea urchin fishery, and in accordance with RCW 77.70.150, the department establishes the sea urchin license reduction program (program).

(1) Eligibility: All persons who currently hold a sea urchin commercial fishery license are eligible to offer their license(s) for purchase ~~((under the program))~~ by the department.

~~(2) ((Method of purchase: The department will rank offers to sell sea urchin licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.150, with a maximum purchase price of \$11,000 per license.~~

~~(3))~~ Offer process: The department will accept sales offers ~~((to sell))~~ beginning August 1st of each year and will purchase licenses based on the funds that are available on ~~((the following))~~ September 30th of that same year.

~~((4))~~ (3) Selection process: The department will ~~((select licenses to be purchased beginning with the lowest offer to sell, and continuing))~~ rank sales offers from the lowest offer to the highest. It will purchase the lowest-cost licenses first, then the next lowest, and continue until there are insufficient funds to ~~((purchase a))~~ complete a purchase on an offer. If two or more licenses are offered at the same price, selection will be by random draw. To purchase licenses, the department will use the funds made available under RCW 77.70.150, with a maximum purchase price of twenty thousand dollars per license.

~~((5))~~ (4) License reduction process: ~~((Upon selection,))~~ When the department purchases a license, it will issue a warrant (a check from the department) in the amount of the offer to the license holder ~~((in the amount of the offer)).~~ On the date that the department mails the warrant ~~((is mailed))~~ to the license holder's mailing address ~~((of the license holder as shown in their))~~ on file with the department ~~((licensing file, the department)),~~ it will void the license. ~~((Upon receipt of))~~ When the license holder receives the warrant, ~~((the license holder is to))~~ he or she must return ~~((the))~~ his or her commercial sea urchin license cards to the department.

~~((6))~~ (5) No prohibition on reentry: License holders who sell a license under the program may reenter the sea urchin commercial fishery if they purchase a license.

~~((7))~~ (6) Program termination: This program terminates when the number of sea urchin commercial fishery licensees is reduced to ~~((twenty-five))~~ twenty.

WAC 220-95-110 Sea cucumber license reduction program. In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) Eligibility: All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase ~~((under the program))~~ by the department.

~~(2) ((Method of purchase: The department will rank offers to sell sea cucumber licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.190, with a maximum purchase price of \$15,000 per license.~~

~~(3)) Offer process: The department will accept sales offers ((to sell)) beginning August 1st of each year and will purchase licenses based on the funds that are available on ((the following)) September 30th of that same year.~~

~~((4)) (3) Selection process: The department will ((select licenses to be purchased beginning with the lowest offer to sell, and continuing)) rank sales offers from the lowest offer to the highest. It will purchase the lowest-cost licenses first, then the next lowest, and continue until there are insufficient funds to ((purchase a) complete a purchase on an offer. If two or more licenses are offered at the same price, selection will be by random draw. To purchase licenses, the department will use the funds made available under RCW 77.70.190, with a maximum purchase price of sixty thousand dollars per license.~~

~~((5)) (4) License reduction process: ((Upon selection,)) When the department purchases a license, it will issue a warrant (a check from the department) in the amount of the offer to the license holder ((in the amount of the offer)). On the date that the department mails the warrant ((is mailed)) to the license holder's mailing address ((of the license holder as shown in their)) on file with the department ((licensing file, the department)), it will void the license. ((Upon receipt of)) When the license holder receives the warrant, ((the license holder is to)) he or she must return ((the)) his or her commercial sea cucumber license cards to the department.~~

~~((6)) (5) No prohibition on reentry: License holders who sell a license under the program may reenter the sea cucumber commercial fishery if they purchase a license.~~

~~((7)) (6) Program termination: This program terminates when the number of sea cucumber commercial fishery licensees is reduced to ((twenty-five)) twenty.~~