



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 14-341

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: The purpose of this rule is to exempt hagfish from the ban and permit requirement on possession of, transport, transfer or sale of live hagfish. The effect of this rule change is to allow a live hagfish fishery and thereby expand opportunity as there are separate markets for live and frozen hagfish. The rule change will eliminate the need for a permit to transport live hagfish. The ban on live fish transport is intended to protect against the introduction of exotic diseases and for resource conservation purposes. Only hagfish species indigenous to Washington are exempted and conservation measures are being achieved through active fishery management actions.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-20-039
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-22-110 on 11/05/2014.

Describe any changes other than editing from proposed to adopted version:

The adopted version includes a change to clarify text that could have been interpreted as applying to all the categories of fish listed as exceptions to the permit requirement only applies to the exemption for mosquito fish.

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: December 19, 2014

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 26, 2014

TIME: 2:12 PM

WSR 15-02-011

(COMPLETE REVERSE SIDE)

**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	<u>1</u>	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	_____

WAC 220-20-039 Live fish—Import and transfer. (1) It is unlawful for any person, group, corporation, association, or government entity to import into, transport, transfer, sell, or possess within the state of Washington live fish and/or the viable sexual products of fish without first obtaining a permit to do so from the director. The only exceptions ~~((is))~~ to the permit requirement are for aquarium fish, game fish, indigenous marine baitfish, indigenous hagfish species and mosquito fish (genus *Gambusia*). The exception for mosquito fish applies only when used by agencies authorized by chapter 17.28 RCW. The permit must accompany the fish and/or sexual products at all times within the state of Washington and must be presented to department employees on demand.

(2) For any permit issued under subsection (1) of this section, the director may impose conditions as necessary to ensure the protection of food fish populations from infectious, contagious, or communicable diseases and pests.

(3) It is unlawful to violate the terms and conditions imposed on any permit issued under subsection (1) of this section. In addition to penalties provided by law, violation of the permit terms and conditions may result in the suspension and/or revocation of the permit.

(4) A violation of this section is punishable under RCW 77.15.253, 77.15.290, or 77.15.750, depending on the species, value of the species, and the circumstances underlying the violation.