

**22. RECREATIONAL SHELLFISH AND SEAWEED WEARABLE LICENSE –
RULE ACTION**

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Meeting dates: November 2-3, 2007 Meeting (Rule Action) #22
Agenda item: Wearable Shellfish/Seaweed License Repeal—Rule Action
Staff Contact: Morris Barker, Ph.D., State Marine Resource Manager
Presenter(s): Morris Barker, Ph.D., State Marine Resource Manager (Fish Program)

Background:

The shellfish/seaweed license was required by the Legislature to be a wearable license. At that time, this requirement had some utility for Enforcement Officers as the license types were color coded (i.e., adult resident and non-resident), as well as by year. The thought was to allow Officers to determine at a distance if the participants were appropriately licensed. While there was some question about the utility of that strategy (colored paper at a distance was not a confirmation of a valid license) it became problematic in latter years as the license issuance evolved and all licenses became the same color. In addition, the license medium changed and became less durable with exposure to the weather. These issues fostered numerous complaints from the licensed public.

In response to these complaints, and through recognition in Enforcement that field contacts were a better means of determining the validity of a license, the department sought and received a change in the legislative requirement for a wearable license. In the 2007 session, the Legislature repealed that requirement for the wearable license (SHB 1082; effective July 22, 2007). We are now seeking a repeal of the WAC that implemented that wearable license requirement.

The department has implemented an emergency rule to meet the legislative intent to repeal the wearable license requirement. This change has been communicated to the public through various media messages.

Policy issue(s) you are bringing to the Commission for consideration:

None – modification to meet legislative change.

Public involvement process used and what you learned:

Responsive agency action to meet public complaints about the utility of the wearable license.

Action requested *(identify the specific Commission decisions you are seeking and when):*

Commission is to consider adoption of the proposal to repeal WAC 220-55-010 - wearable license requirement.

Draft motion language:

Move to repeal WAC 220-55-010 - wearable license requirement.

Justification for Commission action:

This action is justified under RCW 77.12.047 and will meet legislative change.



PROPOSED RULE MAKING

CR-102 (June 2004)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as <u>WSR 07-15-056</u> ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject): WAC 220-55-010, Recreational shellfish and seaweed license.

Hearing location(s): Natural Resources Building, Room 172, 1111 Washington Street SE, Olympia, WA 98504.

Submit written comments to:
Name: Rules Coordinator

Address: 600 Capitol Way No., Olympia, WA 98501-1091
e-mail: preuslmp@dfw.wa.gov
fax (360) 902-2155 by October 11, 2007

Date: October 12-13, 2007 Time: 8 a.m.

Assistance for persons with disabilities: Contact
Susan Yeager by
TTY (360) 902-2207 or (360) 902-2267

Date of intended adoption: On or after November 2-3, 2007
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: SHB 1082 mandates that the department drop the requirement under RCW 77.32.520 for licensees to display personal-use shellfish and seaweed licenses while harvesting shellfish and seaweed.

Reasons supporting proposal: Repealing this rule will comply with legislative mandate.

Statutory authority for adoption: RCW 77.12.047

Statute being implemented: RCW 77.12.047

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 04, 2007
TIME: 4:23 PM

WSR 07-18-082

DATE
September 4, 2007

NAME (type or print)
Lori Preuss

SIGNATURE *Lori Preuss*

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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.....	Morris W. Barker	1111 Washington Street, Olympia	(360) 902-2826
Implementation....	Phil Anderson	1111 Washington Street, Olympia	(360) 902-2720
Enforcement.....	Bruce Bjork	1111 Washington Street, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

- Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Lori Preuss

Address: 600 Capitol Way No., Olympia, WA 98501-1091

phone (360) 902-2930

fax (360)902-2155

e-mail preuslmp@dfw.wa.gov

- No. Explain why no statement was prepared: Repeal of this rule will have no effect on business owners.

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: Repeal of this rule does not affect hydraulics.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-55-010

Recreational shellfish and seaweed license.

WAC 220-55-010 Recreational shellfish and seaweed license.

~~The recreational license shall be provided with an opening for attachment or display on outer clothing. The license must be displayed on outer clothing while harvesting or transporting shellfish and seaweed in the field.~~

[Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-55-010, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-010, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-55-010, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-010, filed 12/1/93, effective 1/1/94; 93-08-034 (Order 93-20), § 220-55-010, filed 3/31/93, effective 5/1/93; 89-07-071 (Order 89-05), § 220-55-010, filed 3/20/89; 79-09-021 (Order 79-58), § 220-55-010, filed 8/10/79.]