

Agenda Item B.

“GREEN SHEET”

Meeting: Conference call, December 18, 2009

Agenda Item: Deleterious Exotic and Live Wildlife – Briefing only
(WAC 232-12-017 and 232-12-064)

Prepared By: Lori Preuss, Rules Coordinator, Enforcement Program

Presented By: Steve Pozzanghera, Deputy Assistant Director, Wildlife Program

Background:

WAC 232-12-017 and 232-12-064 deal with importing, retaining, and selling deleterious exotic wildlife and live wildlife. WAC 232-12-017 was last changed in 2007, and WAC 232-12-064 was last changed in 2004. These WACs need updating. They contain the former name of the American Zoological Association (AZA), which is important to correct because only AZA-accredited facilities can import, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or display. Also, these WACs contain the old section number for the Washington State Department of Agriculture (WSDA) WAC that compels these facilities to test for brucellosis and other wildlife diseases we want to keep out of Washington. We need to replace the old WSDA WAC section number with the new number so people will comply with its requirements. Finally, WAC 232-12-017 and 232-12-064 contain small grammatical and punctuation errors that we should correct to facilitate readers' comprehension.

WDFW's Wildlife Veterinarian, Kristin Mansfield, worked with a group of Enforcement and Wildlife Program staff to update these WACs. On August 5, 2009, the group filed a CR-105 (for expedited rule-making) to alert the public to the updates. The expedited rule-making that the group used is appropriate when, as here, the changes are purely technical and serve to correct typographical errors, make name changes, or clarify the language of a rule without changing its effect. After the CR-105 was filed, no members of the public commented on the proposed changes.

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

Does the Washington Fish and Wildlife Commission want to update these rules to make compliance easier and to help keep tuberculosis, chronic wasting disease, and other serious wildlife diseases out of Washington?

Public involvement process used and what you learned:

The expedited rule-making does not require a public hearing. Instead, it allows the public an extended period to submit written objections and comments to the rule. No one objected to or commented on this proposal.

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

None at this time; WAC 232-12-017 and 232-12-064 rule amendment consideration is scheduled for the January 8-9, 2010, Commission meeting in Olympia.

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Draft motion language:

N/A

Justification for Commission action:

The Wildlife and Enforcement Programs support this proposal because it will use the correct name for the American Zoological Association, whose accreditation is necessary for facilities wanting to import, hold, possess, and propagate deleterious exotic wildlife and live wildlife for scientific research or display. Also, the proposal provides the correct number of the WSDA WAC that identifies the testing needed for these animals for importation, research, and display purposes. Finally, the changes to grammar and punctuation make the rules easier to follow.

Communications plan:

The Department is planning to distribute new permit applications for facilities wanting to import, hold, possess, and propagate deleterious exotic wildlife and live wildlife for scientific research or display. We will include copies of the updated rules with the permit applications so that the information on AZA-accreditation and WSDA testing requirements is readily available and accurate.



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Washington Department of Fish and Wildlife

Title of rule and other identifying information: (Describe Subject) WAC 232-12-017, Deleterious exotic wildlife; and WAC 232-12-064, Live wildlife.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING, AND THEY MUST BE SENT TO

Name: Lori Preuss, Rules Coordinator

Agency: Washington Department of Fish and Wildlife

Address: 600 Capitol Way North, Olympia, WA 98501-1091

AND RECEIVED BY October 5, 2009

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to correct the term for the American Zoological Association, to correct references to new rules of the Washington Department of Agriculture, and to make grammatical and punctuation corrections.

Reasons supporting proposal: Correcting inaccurate references and adding appropriate grammar and punctuation will make these rules easier for people to comply with.

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

Statute being implemented: RCW 77.12.047 and RCW 77.04.020

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:
CFR Title 50, Part 660, Subpart G.

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: August 05, 2009

TIME: 11:59 AM

WSR 09-16-146

DATE
August 5, 2009

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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

None.