



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

Preproposal Statement of Inquiry was filed as WSR 10-02-074 on 01/05/10;
 or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
 WAC 232-12-251 Removal of minerals, wood and artifacts from department lands.

Hearing location(s):
 Natural Resources Building, Room 172
 1111 Washington St SE
 Olympia WA 98501

Date: December 3-4, 2010 Time: 8:30 a.m.

Date of intended adoption: On or after January 7, 2011
 (Note: This is NOT the effective date)

Submit written comments to:
 Name: Lori Preuss, Rules Coordinator
 Address: 600 Capitol Way, N.
 Olympia WA 98501-1091

 e-mail Lori.Preuss@dfw.wa.gov
 fax (360) 902-2155 by (date) November 24, 2010

Assistance for persons with disabilities: Contact
Susan Yeager by November 24, 2010
 TTY (360) 902-2207 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department currently lacks the ability to prohibit people from cutting down snags and taking mushrooms and berries on land it owns or controls.

Reasons supporting proposal: Snags provide habitat for many species. This proposal will protect that habitat from destruction. The proposal will also minimize the amount of downed dead wood that people can collect and use on the department's lands, and it will limit the amount of mushrooms that can be taken, to conserve these resources.

Statutory authority for adoption: RCW 77.04.012 and 77.12.047

Statute being implemented: RCW 77.04.012 and 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:

DATE
 October 20, 2010
 NAME (type or print)
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **October 20, 2010**
 TIME: **11:48 AM**

WSR 10-21-120

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..... Lori Preuss	1111 Washington Street, SE, Olympia	(360) 902-2930
Implementation.... Mike Cenci	1111 Washington Street, SE, Olympia	(360) 902-2938
Enforcement..... Bruce Bjork	1111 Washington Street, SE, 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:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

This rule only affects recreational use of department lands.

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.

AMENDATORY SECTION (Amending Order 437, filed 5/11/90, effective 6/11/90)

WAC 232-12-251 Removal of minerals, wood and artifacts from department lands. (1) Except as provided below, it is unlawful to cut down or remove dead standing timber, live trees, wood, soil, petrified wood, minerals, fossils, ((wood products)) plants, mushrooms, berries, or artifacts from department lands unless such ((removal)) activity is authorized by a permit issued by the director.

(a) Downed dead wood for camping on department lands may be collected without a department permit in a quantity not to exceed one-half cord. However, such wood may not be transported from department lands.

(b) Mushrooms or berries may be collected for personal use without a permit in quantities not to exceed the following limits:

(i) For wild edible mushrooms, five United States gallons; and

(ii) For berries, no limit.

(2) Unlawful cutting down or removal of dead standing timber, live trees, wood, soil, petrified wood, minerals, fossils, or plants constitutes theft under chapter 9A.56 RCW.

(3) Unlawful removal or exceeding limits for downed dead wood, mushrooms, or berries is punishable under RCW 77.15.230.