



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency:

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 14-05-098 ; or	<input 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) or 34.05.330(1).	<input checked="" type="checkbox"/> Continuance of WSR 15-04-138

Title of rule and other identifying information: (Describe Subject) Geoduck Diver Safety Program. Effective January 1, 2015, all commercial wildstock geoduck divers participating in the state managed fishery are required to annually demonstrate proof of compliance with the geoduck diver safety program in order to be maintained on a DNR harvest plan of operations and/or obtain a commercial diver license under RCW 77.65.410. Proposed minimum qualifications include CPR/first aid certification, emergency oxygen administration certification, Washington State Boater Education Card, and an annual self-attestation confirming applicant experience/training in the fundamental principles of dive safety. The proposed rule remains unchanged from the previous proposal (WSR 15-04-138). The date of intended adoption had been scheduled for April 7, 2015, but is being continued to allow more consideration. Per RCW 34.05.335, the previous proposed rule was scheduled to expire on August 17, 2015. This notice will allow the Board of Natural Resources to consider the proposed rule at the August 18th, 2015 meeting. All previously submitted comments will be carried forward as part of the record. DNR will not hold another public hearing on the proposed rule.

Hearing location(s):

No public hearing scheduled.

Date: n/a Time: n/a

Submit written comments to:

Name: Matthew Goehring
 Address: Dept. of Natural Resources
 1111 Washington St SE
 MS 47027
 Olympia, WA 98504-7027
 e-mail matt.goehring@dnr.wa.gov
 fax (360) 902.1090 by (date) July 30, 2015

Assistance for persons with disabilities: Contact

Ms. Megan McKay by August 11, 2015
 TTY (360) 902-1125 or () _____

Date of intended adoption: August 18, 2015
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Second Substitute House Bill 1764 requires DNR to adopt rules establishing a geoduck diver safety program. The proposed program establishes mandatory safety training requirements for all divers participating in the state managed wildstock geoduck fishery. Mandated safety requirements are intended to mitigate the inherent hazards associated with working in hyperbaric conditions and reduce the probability of diver related accidents. Increased safety requirements will reduce risk exposure for geoduck divers, as well for other individuals that provide emergency response in the event of a dive-related accident.

Reasons supporting proposal: Commercial geoduck harvesting techniques expose divers to a wide-range of occupational health and safety hazards. Despite recognized hazards, there are currently no mandated safety requirements for geoduck divers engaged in the wildstock fishery. The rule aligns geoduck harvest diving with industry standards for commercial diving operations.

Statutory authority for adoption: RCW 43.30.560

Statute being implemented: RCW 43.30.560

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

DATE
 June 30, 2015

NAME (TYPE OR PRINT)
 Megan Duffy

SIGNATURE



TITLE
 Deputy Supervisor, Aquatics & Environmental Protection

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

DNR will implement compliance verification for the geoduck diver safety program. Information will be shared with Department of Fish & Wildlife for the purposes of issuing commercial geoduck diver licenses under RCW 77.65.410.

Name of proponent: (person or organization) Washington State Department of Natural Resources

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Matthew Goehring	1111 Washington St SE, Olympia, WA 98504	(360) 902-1090
Implementation....Blain Reeves	1111 Washington St SE, Olympia, WA 98504	(360) 902-1731
Enforcement.....Todd Plazer	1111 Washington St SE, Olympia, WA 98504	(360) 902-1864

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Matthew Goehring
 Address: Dept. of Natural Resources
 1111 Washington St SE
 MS 47027
 Olympia, WA 98504-7027

phone (360) 902-1090

fax (360)902-1786

e-mail matt.goehring@dnr.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Matthew Goehring
 Address: Dept. of Natural Resources
 1111 Washington St SE
 MS 47027
 Olympia, WA 98504-7027

phone (360) 902-1090

fax (360)902-1786

e-mail matt.goehring@dnr.wa.gov

No: Please explain: