



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Natural Resources

Subject of possible rule making:

Establishing a Geoduck Diver Safety Program

Statutes authorizing the agency to adopt rules on this subject: RCW 43.30.560

Reasons why rules on this subject may be needed and what they might accomplish:

Second Substitute House Bill 1764, Section 5, effective July 28, 2013, directs the Department of Natural Resources (DNR) to adopt rules creating a geoduck diver safety program for geoduck divers licensed under RCW 77.65.410. The rules are intended to establish minimum diver safety requirements that are consistent with commercial diving safety standards and federal occupational safety and health act (OSHA) regulations. Proposed rules will be based on the recommendations of the geoduck harvest safety committee established by RCW 43.30.555.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Washington State – Department of Fish and Wildlife (WDFW) (RCW 77.65.410); Department of Labor and Industries (L&I) Division of Occupational Safety & Health (RCW 296-37). DNR will coordinate the rulemaking with the individual agencies to ensure the proposed rules (1) do not conflict with OSHA commercial diving safety standards; and (2) are integrated into the WDFW geoduck diver licensing program. DNR invited WDFW and L&I to participate in the geoduck harvest safety committee. DNR will also invite the agencies to attend a public meeting(s).

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Full Rule-Making Process

DNR will contact stakeholders, and affected parties and entities to solicit their participation in the rule development process.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can contact the DNR Aquatic Resources Division. DNR anticipates filing a proposed rulemaking in April 2014. DNR will conduct a formal public hearing following development of the draft rule.
Dept. of Natural Resources Contact(s): **Matthew Goehring**, Policy Unit, Aquatic Resources Division, (360) 902-1090 / FAX (360) 902-1786 / matt.goehring@dnr.wa.gov / P.O. Box 47027, Olympia, WA 98504-7027
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DATE:
February 18, 2014

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TITLE
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