

Rule Making to Implement 2SHB 1579 Briefing and Public Hearing

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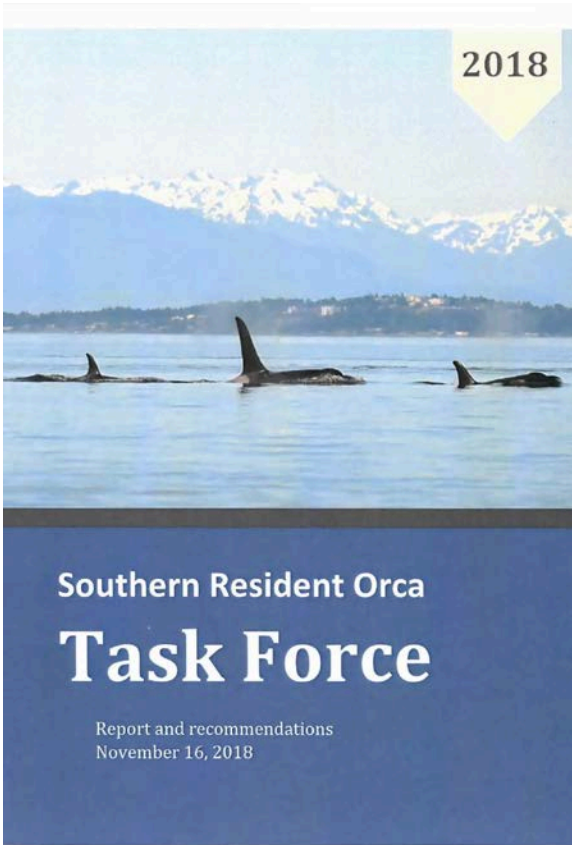
Overview

- Background
- Statutory Changes
- Major Policy Decisions
- Implementation



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Southern Resident Orca Task Force Report



2SHB 1579
Increasing
Chinook
Abundance



Rule Making Objectives

- Add preapplication determination language
- Clarify WDFW can disapprove a new application for noncompliance
- Strike all references to the repealed bulkhead and rockwall statute
- Require bank protection location benchmarks
- Clarify the compliance sequence and add compliance tools
- Specify the maximum penalty amount
- Provide a penalty schedule and specify which managers can authorize Stop Work Orders and Notices of Penalty



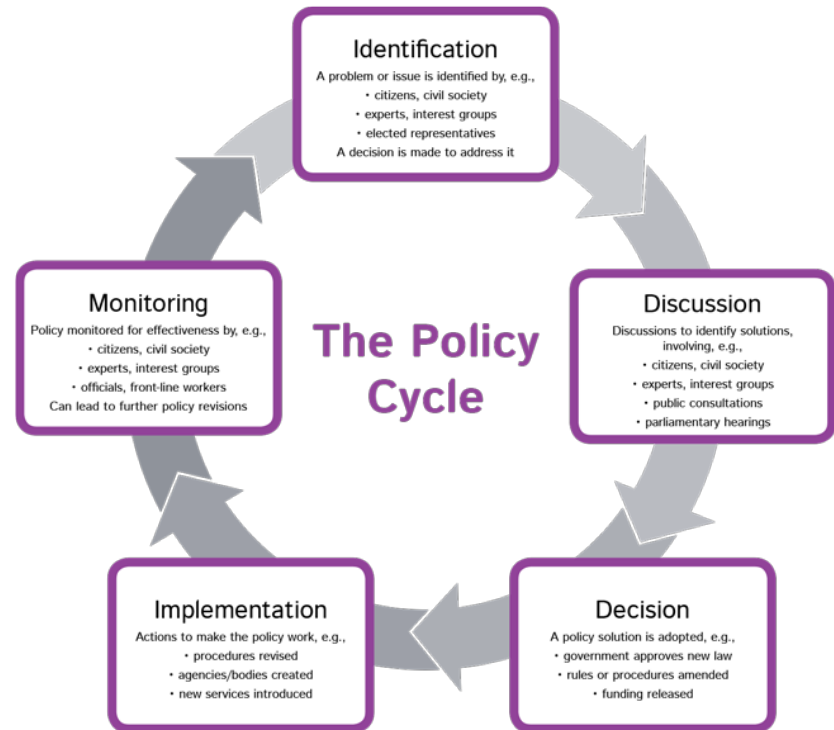
Notebook Materials

- Summary Sheet
- CR-102 Notice of Proposed Rule Making
 - Draft Small Business Economic Impact Statement
 - Rule Changes
 - » WAC 220-660-050 (Procedures – Hydraulic Project Approvals)
 - » WAC 220-660-370 (Bank Protection in Saltwater Areas)
 - » WAC 220-660-460 (Informal Appeal of Administrative Actions)
 - » WAC 220-660-470 (Formal Appeal of Administrative Actions)
 - » WAC 220-660-480 (Compliance with HPA Provisions)
- Draft Regulatory Analysis Document



Policy Decisions

- Signature Authority for Stop Work Orders and Notices of Penalty
- Maximum Penalty Amount
- Penalty Schedule



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Signature
Authority - Stop
Work Order

Unpermitted Work – Senior and executive managers are authorized to stop work
Permitted Work – Division managers and executive managers must authorize stop work



Signature Authority – Notice of Penalty

Senior and executive
managers are authorized to
issue penalties

Executive managers must
authorize penalties of \$2500
or more



Maximum Penalty Amount

Governor's Direction - ... I direct the department to continue to use its authority to secure the effect of the statute, to establish a maximum civil penalty not to exceed the penalty amount established in the original bill, and to use its rulemaking authority to support these efforts as needed



Penalty Schedule (RCW 77.55.440)

Adopt by rule in consideration of the following:

- Previous Violation History
- Severity and Repairability of the Impact
- Intent
- Cooperation
- Level of Knowledge and Economic Motivation



Implementation

- Administrative (Civil) Compliance Unit
 - Dedicated Staff
 - Specialized Training
 - New Policy and Procedures
- Technical Assistance Program
 - Planning Help
 - Maps
 - Project Guidelines
 - Example Drawings
 - Survey Protocols
 - Application Tips



Questions?

