



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Agriculture

- Preproposal Statement of Inquiry was filed as WSR 08-17-045 ; 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)

Chapter 16-06 WAC - Public Records

Hearing location(s):

Washington State Department of Agriculture
Natural Resources Building - Conf. Room 259
1111 Washington Street SE
Olympia, WA 98504-2560

Date: January 7, 2009 Time: 1:30 p.m.

Date of intended adoption: January 12, 2009

(Note: This is NOT the effective date)

Submit written comments to:

Name: Teresa Norman
Address: PO Box 42560
Olympia, WA 98504-2560

e-mail: WSDARulesComments@agr.wa.gov
fax: (360)902-2092 by (date) January 8, 2009, 5:00 p.m.

Assistance for persons with disabilities: Contact

WSDA Receptionist by January 2, 2009

TTY (800) 833-6388 or 711

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In accordance with the Public Records Act, the Department of Agriculture maintains a procedural rule describing its organizational structure and outlines the process to follow when persons are interested in accessing public records held by the Department. The existing rule requires updating, which is what the proposed rule represents.

In addition, information, information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. After consulting with affected parties, the proposed rule contains ranges for the following information: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields.

Statutory authority for adoption: For WAC 16-05-155 is chapters 34.05, 42.17, 42.56, and 43.23 RCW; all other sections is chapters 34.05, 42.56, and 43.23 RCW

Statute being implemented: Chapters 34.05, 42.17, 42.56, and 43.23 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 26, 2008

TIME: 2:36 PM

WSR 08-24-062

DATE
November 19, 2008

NAME (type or print)
Betty Ramage

SIGNATURE *Betty Ramage*

TITLE
Assistant Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: none

Name of proponent: Washington State Department of Agriculture

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dannie McQueen	1111 Washington St. SE, Olympia, WA 98504-2560	(360) 902-1809
Implementation.... Same	Same	Same
Enforcement.....Same	Same	Same

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.

The proposed rule benefits individuals who desire access to the Department of Agriculture's records and does not add any economic burdens on those individuals.

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: The Washington State Department of Agriculture is not a named agency in RCW 34.05.328(5)(a)(i).