



PREPROPOSAL STATEMENT OF INQUIRY

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

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: The department proposes to:

1. Amend commercial shellfish dive fishery rules in an effort to reduce the illegal harvest of geoduck clams;
2. Create new gear definitions for clarity and change season-opening and closing dates to make them more uniform;
3. Amend rules to provide a mechanism to set sea urchin size limits by emergency rule of the director; and
4. Make technical changes to rules to improve rule clarity.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.04.130, and 77.12.047.

Reasons why rules on this subject may be needed and what they might accomplish: People are illegally harvesting geoduck clams. Changes to commercial shellfish dive fishery rules to prohibit certain gear types on commercial shellfish harvest vessels will make it more difficult for people to illegally harvest geoducks under the guise of participating in lawful shellfish dive fisheries. Improved definitions for gear types and more uniform season-opening and closing dates will increase rule clarity and facilitate resource management. Allowing the director to set sea-urchin size limits by emergency rule will facilitate resource management. Technical changes to rule language will increase the rules' intelligibility, functionality, and efficiency.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

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

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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Contact by April 19, 2013. Expected proposal filing on or after May 1, 2013

DATE
March 6, 2013

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